

## Washington, Thursday, March 29, 1945

#### Regulations

TITLE 6—AGRICULTURAL CREDIT Chapter I—Farm Credit Administration

PART 21—THE FEDERAL LAND BANK OF SPRINGFIELD

#### FEES

Section 21.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 21.1 Application and loan fees. (a) Each application for a new loan shall be accompanied by a fee of \$10.00.

(b) Each application for an increase or additional loan shall be accompanied

by a fee of \$10.00.

(c) Each application for the division of an existing loan shall be accompanied, by a fee of \$5.00 for each loan which is to result therefrom.

(d) Each application for a partial release of mortgaged security shall be accompanied by a fee of \$10.00.

(e) Each application for release from personal liability for payment of a loan shall be accompanied by a fee of \$10.00.

In the event no appraisal of the property is made, the entire application fee

shall be refunded.

The fee schedule described in the foregoing paragraphs is applicable to single Federal land bank or Land Bank Commissioner first mortgage loans; in the event the application results in a joint land bank and Land Bank Commissioner loan, the fee shall be computed on the basis of the aggregate amount loaned.

Where, in connection with an application for a new loan, an additional loan or a division of an existing loan it appears necessary for the bank to make a non-resident personal investigation, the applicant will be required to pay a fee of \$7.50, such fee to be refunded in its entirety to the applicant if the investigation proves to be unnecessary or is not made.

When a reappraisal in connection with an application for a new loan, an additional loan or a division of an existing loan is required because of the delay of the applicant, or is made at the applicant's request, a second fee shall be charged computed on the basis of the fee applicable to the original application.

Each applicant shall also be required to pay cash outlays for abstract expenses, recording fees and other disbursements necessary for the completion of the transaction.

(Sec. 13 "Ninth," 39 Stat. 372, secs. 26, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth" 723 (e), 1016 (e) and Sup., 6 CFR 19.322, 19.330, 19.331, 19.333, 19.334, 19.335, 19.339, and 19.340) (Res. Ex. Com. March 14, 1945)

[SEAL]

THE FEDERAL LAMB BANK
OF SPRINGFIELD,
M. C. PEABODY,
Vice President.

[F. R. Doc. 45-4932; Filed, Mar. 27, 1945; 4:47 p. m.]

#### TITLE 7-AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[Suspension Order OD-SW-34]

PART 1590—SUSPENSION ORDERS

#### BRULINETT AND SON

Slaughterer's License No. 73-073-3 was issued to Leo Brumnett, Sr., and Leo Brumnett, Jr., doing business as Brumnett and Son (the "respondents"), pursuant to the provisions of War Food Order 75 (8 F.R. 11119) as amended. A proceeding was instituted on November 21, 1944, by the issuance of a notice, to revoke this license upon the ground that the respondents were conducting slaughtering operations in the absence of minimum sanitary facilities, required by the provisions of War Food Orders 75 and 75.1 (8 F.R. 11227) as amended. Respondents filed an answer and requested a hearing. A hearing was held before a presiding officer on January 16, 1945, at which respondents appeared, adduced evidence, cross-examined witnesses, and were otherwise heard.

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The evidence disclosed that the slaughter house used by the respondents at Wagoner, Oklahoma, was not flyproofed, was without drainage and an adequate water supply and was, together with its equipment, in a filthy and disorderly condition and located near a hog lot, refuse heap, and other sources of contamination.

Upon the basis of the evidence adduced at the hearing, it is hereby found and determined: That respondents were issued Slaughterer's License No. 73-073-3, pursuant to the provisions of War Food Order 75; that the respondents conducted slaughtering operations in a slaughter house at Wagoner, Oklahoma, in the absence of minimum sanitary facilities, as that term is defined in War Food Order 75-1.

The maintenance of minimum sanitary facilities in slaughter houses is essential for the proper distribution of meats and to assure an adequate supply thereof for war and essential civilian needs. The aforesaid violations of respondents have impeded the war effort; it is therefore ordered, that:

§ 1590.13 Suspension order against Leo Brumnett, Sr., and Leo Brumnett, Jr., doing business as Brumnett and Son.
(a) Slaughterer's License No. 73-073-3, issued to Leo Brumnett, Sr., and Leo Brumnett, Jr., doing business as Brumnett and Son, Wagoner, Oklahoma, pursuant to War Food Orders 75 and 75-1, is hereby suspended until the slaughter house operated by respondents at Wagoner, Oklahoma, is provided with minimum sanitary facilities as that term is defined in War Food Order 75-1, or until such time as the said respondents furnish the War Food Administration with satisfactory evidence that they will engage in slaughtering operations in a slaughter house meeting the requirements of War Food Order 75-1 with respect to minimum sanitary facilities.

(b) Any terms used in this order which are defined in War Food Orders 75 and 75-1 shall have the meaning therein given to them unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(c) This order shall become effective five days after service hereof on the respondents.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; War Food Order 78, 10 F.R.

2155; War Food Order 78-1, 8 F.R. 16497; 9 F.R. 6202, 9943, 10 F.R. 2495)

Issued this 27th day of March 1945.

C. W. KITCHEN, Director of Marketing Services.

[F. R. Doc. 45-4928; Filed, Mar. 27, 1945; 3:15 p. m.]

[WFO 42, Amdt. 14]
PART 1460—FATS AND OILS
REDUCTION OF QUOTAS

War Food Order No. 42, as amended (9 F.R. 12075, 10 F.R. 2679) is further amended by deleting the table at the end of paragraph (b) (1) and submitting in lieu thereof the following:

Class of edible fat or oil product: percentage
Margarine 120
Edible fot or oil products other than

Edible fat or oil products other than margarine

This amendment shall become effective at 12:01 a.m., e. w. t., April 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 28th day of March 1945.

Ashley Sellers,
Assistant War Food Administrator.

[F. R. Doc. 45-4941; Filed, Mar. 28, 1945; 11:11 a. m.]

[WFO 42a, Amdt. 4]

PART 1460-FATS AND OILS

REDUCTION OF QUOTAS AND EXEMPTIONS

War Food Order No. 42a, as amended (9 F.R. 12078, 14926, 10 F.R. 943) is further amended as follows:

- 1. By deleting the figure "50" wherever it appears in the table at the end of paragraph (b) (1) and substituting in lieu thereof the figure "40"
- 2. By deleting paragraph (g) and substituting in lieu thereof the following:
- (g) Exemption for washed, recovered linseed oil. In computing the amount of fats and oils used under (b) (1) (b) (2) or (c) (1) hereof, a manufacturer need count only 50 percent of the actual amount of washed, recovered linseed oil so used.

This amendment shall become effective at 12:01 a.m., e. w. t., April 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42a, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of

sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal. (E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 28th day of March 1945.

ASSISTANT WAR FOOD Administrator. [F. R. Doc. 45-4942; Filed, Mar. 28, 1945;
11:11 a. m.]

[WFO 44-1, Amdt. 5]

PART 1465—FISH AND SHELLFISH

FILING OF REPORTS: CANNED FISH

War Food Order No. 44-1, as amended (9 F.R. 7810; 10 F.R. 103, 2345), is further amended to read as follows:

§ 1465.21 Reports in connection with canned fish—(e) Definition. (1) "WFO 44" means War Food Order No. 44, as amended (9 F.R. 7361, 9584, 10624; 10 F.R. 103, 555, 4377)

(2) Each term defined in WFO 44 shall, when used herein, have the same meaning as is set forth for each such

term in WFO 44.

(3) "1945 packing season" means the period (i) beginning with April 1, 1945, or any subsequent date on which a canner commences to produce any canned fish of the 1945 pack, and (ii) ending with March 31, 1946, or the date on which such canner ceases to produce any canned fish of the 1945 pack, whichever date is the earlier.

(b) Weekly reports. Each canner who produces any canned fish of the 1945 pack shall report on Form FDO-44-1 (Revised March 10, 1945), entitled "Canned Fish: Weekly Pack Report," the total quantity of canned fish of the 1945 pack produced by such canner from each class of fish (designated in § 1465.20 (b) (1) of WFO 44) during each calendar week of such canner's 1945 packing season. Each such report shall be submitted for each calendar week during the respective canner's 1945 packing season regardless of whether or not such canner produced any canned fish of the 1945 pack during a particular calendar week. Each report for a calendar week or a part thereof subsequent to April 1, 1945, shall be submitted as aforesaid within four days after the last day of each such cal-

endar week or part thereof.

(c) Seasonal reports. In addition to the weekly reports required to be submitted pursuant to (b) hereof, each canner, as aforesaid, shall (1) report on Form FDO-44-1 (Revised March 10, 1945) the total quantity of canned fish of his 1945 pack of each class of fish (designated in § 1465.20 (b) (1) of WFO 44) produced by such canner during his 1945 packing season and (2) submit such report within 15 days after the last day of such canner's 1945 packing season.

(d) Completion of reports. The respective reports submitted pursuant to (b) and (c) hereof shall be completed in

accordance with the instructions contained on the aforesaid Form FDO-44-1 (Revised March 10, 1945).

(e) Filing reports. All reports required to be submitted pursuant to this order shall be addressed to the Director of Marketing Service, War Food Administration, Washington 25, D. C., Ref. WFO 44.

(f) Effective date. This amendment shall become effective at 12:01 a.m., e. w. t., April 1, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 44-1, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 44-1, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

Note: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 FR. 10179; E.O. 9322, 8 FR. 3807; E.O. 9334, 8 FR. 5423; E.O. 9392, 8 FR. 14783; WFO 44, as amended, 9 FR. 7361, 9584, 10624; 10 F.R. 103, 555, 3277)

Issued this 27th day of March 1945.

C. W. KITCHEN, Director of Marketing Services.

[P. R. Doc. 45-4927; Filed, Mar. 27, 1945; 3:15 p. m.]

#### TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs [T. D. 51209]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

TRADE WITH NON-CONTIGUOUS TERRITORY

Section 4.84 (a) Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.84 (a)) is hereby amended by changing the period at the end of the paragraph to a comma and by adding immediately thereafter the following: "unless the vessel is simultaneously engaged in one or more of the transactions listed in § 4.90 (a) (2), (4), (5), and (6). In the latter case clearance shall be granted only on customs Form 1385. See § 4.90 (b)"

(R.S. 161, sec. 2, 23 Stat. 118, R.S. 4197, as amended, R.S. 4200, as amended, 32 Stat. 172; 5 U.S.C. 22, 46 U.S.C. 2, 91, 92, 95. E.O. 9083; 7 F.R. 1609)

[SEAL]

W. R. Johnson, Commissioner of Customs.

Approved: March 26, 1945.

HERBERT E. GASTON,

Acting Secretary of the Treasury.

[F. R. Doc. 45-4937; Filed, Mar. 28, 1945; 11:05 a.m.]

#### TITLE 9-ANIMALS AND ANIMAL **PRODUCTS**

Chapter II—War Food Administration (Packers and Stockyards)

Subchapter B-Meat Inspection Regulations

ORDER AMENDING REGULATIONS RELATING TO MEAT INSPECTION

Pursuant to the authority conferred upon the War Food Administrator by Executive Order No. 9280 of December 5, 1942 (7 F.R. 10179) and Executive Order No. 9322 of March 26, 1943 (8 F.R. 3807) as amended by Executive Order No. 9334 of April 19, 1943 (8 F.R. 5423) as amended by Executive Order No. 9392 of October 28, 1943 (8 F.R. 14783) and pursuant to the provisions of the act of Congress approved March 4, 1907, as amended and extended (21 U.S.C. 71-91, 96; 21 U.S.C., 1940 ed., Sup. III, 71) and section 306 of the Act of Congress approved June 17, 1930 (19 U.S.C. 1306) Title 9, Chapter I, Subchapter A, Code of Federal Regulations (B.A.I. Order 211, Revised), is hereby amended to read as follows:

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Imported products.
Definitions and standards of identity. Inspection and handling of horse meat and products thereof.

#### PART 251-DEFINITIONS

§ 251.1 Definitions. For the purposes of this subchapter the following words, phrases, names, and terms shall be construed, respectively, to mean:

(a) The Meat Inspection Act. An act making appropriations for the Department of Agriculture, for the fiscal year ending June 30, 1907, approved June 30, 1906 (34 Stat. 674-679) as re-enacted by an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, approved March 4, 1907 (34 Stat. 1260-1265), as

amended and extended (21 U.S.C., 71-91, 96; 21 U.S.C., Sup. III, 71)

(b) The imported-meat act. Section 306 of an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," approved June 17, 1930 (46 Stat. 689. 19 U.S.C. 1306)

(c) The Department. The United States Department of Agriculture.

(d) Office of Marketing Services. The Office of Marketing Services of the War Food Administration.

(e) Director The Director of the Office of Marketing Services.

(f) Division. The Meat Inspection Division of the Livestock and Meats Branch, Office of Marketing Services.

(g) Inspector An inspector of the division.

(h) Division employees. Inspectors and all other individuals employed in the division who are authorized by the director or the chief of division to do any work or perform any duty in connection with meat inspection.

(i) Official establishment. slaughtering, meat canning. curing, smoking, salting, packing, rendering, or other similar establishment at which inspection is maintained under the regulations in this subchapter.

(j) Official station. One or more official establishments included under a

single supervision.
(k) "Inspected and passed," or "U S. inspected and passed," or "U.S. inspected and passed by Department of Agriculture," or any authorized abbreviations thereof. The meat, meat byproducts, or meat food products so marked have been inspected and passed under the regulations in this subchapter, and at the time they were inspected, passed, and so marked they were found to be sound, healthful, wholesome, and fit for human food.

(1) "U S. passed for cooking." meat and meat byproducts so marked have been inspected and passed on condition that they be rendered into lard, rendered pork fat, or tallow, as prescribed by Part 265 of this subchapter, or otherwise cooked by a method approved by the chief of division.

(m) "U. S. passed for refrigeration." The meat and meat byproduct so identifled have been inspected and passed on condition that they be refrigerated or otherwise handled as prescribed by Part 261 of this subchapter, or by a method approved by the chief of division.

(n) "U. S. inspected and condemned" or any authorized abbreviation thereof. The carcass, viscera, part of carcass, meat, meat byproduct, or meat food product, so marked or identified, is unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(o) "U. S. retained." The carcass, viscera, part of carcass, meat, meat byproduct, or meat food product, so marked or identified, is held for further examination by an inspector to determine its disposal.

(p) "U. S. suspect." The animal so marked is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.

(q) "U. S. condemned." The animal so marked has been inspected and found to be immature, or in a dying condition, or to have died otherwise than by slaughter, or to be affected with any other condition or with any disease that would require condemnation of its carcass.

(r) Inspection legend. A mark or a statement, authorized by the regulations in this subchapter, on a product or on the container of a product indicating that the product has been inspected and passed for food by an inspector.

(s) Animal. Cattle, sheep, swine, or

goat.

(t) Carcass. All parts, including viscera, of a slaughtered animal that are capable of being used for human food.

(u) Meat. The edible part of the muscle of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears.

(v) Meat byproduct. Any edible part other than meat which has been derived from one or more cattle, sheep, swine, or

goats.

(w) Meat food product. Any article of food, or any article intended for or capable of being used as human food which is derived or prepared, in whole or in substantial and definite part, from any portion of any cattle, sheep, swine, or goat, except such articles as organotherapeutic substances, meat juice, meat extract, and the like, which are only for medicinal purposes and are advertised only to the medical profession.

(x) Product. Any part or all of meat, meat byproduct, and meat food product.

(y) Immediate container or true container The unit can, pot, tin, canvas, or other receptacle or covering in which any product is customarily shipped.

(z) Shipping container or outside contamer The box, bag, barrel, crate, or other receptacle or covering enclosing any product packed in one or more immediate or true containers.

(aa) Person. Natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

#### PART 252-Scope of Inspection

Sec.

252.1 Establishments requiring inspection. Animals and product entering inspected establishments. 252.2

252.3 Horse slaughtering establishments requiring inspection.

252.4 Inspection during the present war at certain meat packing establishments engaged in intrastate commerce only.

§ 252.1 Establishments requiring inspection. Every establishment in which cattle, sheep, swine, or goats are slaughtered for transportation or sale as articles of interstate or foreign commerce, or in which meat, meat byproducts, or meat food products of, or derived from, cattle, sheep, swine, or goats are, wholly or in part, canned, cooked, cured, smoked, salted, packed, rendered, or otherwise prepared for transportation or sale as articles of interstate or foreign commerce, which are capable of being used as food for man, shall have inspection under the regulations in this subchapter. except as expressly exempted by Part 254 of this subchapter.

§ 252.2 Animals and product entering inspected establishments. All cattle, sheep, swine, and goats and all product entering an establishment at which inspection is required by this subchapter, and all product prepared, in whole or in part, therein, shall be inspected, handled, prepared, marked, and labeled as required by the regulations in this sub-.chapter.

§ 252.3 Horse slaughtering establishments requiring inspection. Every establishment in which horses are slaughtered for transportation or sale as articles of interstate or foreign commerce, or in which carcasses, parts of carcasses, meat, meat byproducts, or meat food products of, or derived from, horses are, wholly or in part, canned, cured, smoked, salted, packed, rendered, or otherwise prepared for transportation or sale as articles of interstate or foreign commerce, which are capable of being used as food for man, shall have inspection in accordance with the terms prescribed in Part 279 of this subchapter.

§ 252.4 Inspection during the present war at certain meat packing establishments engaged in intrastate commerce only. For the duration of the present war and not exceeding 6 months after the termination thereof, the regulations in this subchapter, as amended, are extended to apply to slaughtering, meat canning, cooking, curing, smoking, salting, packing, rendering, and similar establishments, engaged in intrastate commerce only, at which a substantial quantity of product is prepared for purchase. by Federal agencies when formal request is made to the chief of division by the proprietor or operator of the establishment: Provided. That the construction. equipment, facilities, and sanitation of the establishment are acceptable, under this subchapter, for conducting and maintaining emergency inspection.

PART 253-ORGANIZATION OF FORCE

Sec. Appointments; classifications; promo-

253.2 Inspectors; qualifications; assignments; duties.

§ 253.1 Appointments; classification; promotions. Meat inspection is conducted by the Meat Inspection Division. All permanent employees engaged in the work of meat inspection are appointed upon certification of the United States

Civil Service Commission that they have met the requirements of that Commission. These employees are classified as shown in § 253.2. Promotions are made on the basis of efficiency, deportment, and length of service.

§ 253.2 Inspectors; qualifications; assignments; duties—(a) Inspectors in charge. These are inspectors assigned to supervise and perform official work at each official station. Such employees report directly to the chief of division or to a person designated by him and are chosen by reason of their fitness for responsibility as determined by their records in the service. All stations where slaughtering is conducted shall have veterinary meat inspectors in charge.

(b) Supervising inspectors. These are inspectors assigned to instruct, direct, and supervise the work of division employees and perform other official duties as required. They are assigned as the needs of the service require and report

directly to the inspector in charge.
(c) Traveling inspectors. These employees inspect official stations and the conduct of operations and ascertain whether the regulations and instructions governing meat inspection are properly observed. They confer with division employees including supervising inspectors and inspectors in charge. They instruct the inspectors in charge with a view of promoting uniformity and efficiency of the inspection. They report their findings with recommendations to the chief of division.

(d) Veterinary meat inspectors. All applicants examined for these positions must be graduates of veterinary colleges accredited by the United States Civil Service Commission. Veterinary meat inspectors make ante-mortem and postmortem examinations, enforce the sanitary requirements in their respective departments and perform various other duties under the direction of the inspector in charge.

(e) Laboratory inspectors. These employees possess technical education and training in the microscopical, bacteriological, and chemical examination of product, and their inspections are conducted in laboratories located at various slaughtering centers. Pathological and zoological laboratories are also accessible to which specimens may be sent, when necessary, for diagnosis.

(f) Meat inspectors. These employees are laymen who assist veterinary inspectors in ante-mortem and post-mortem inspections, supervise the curing, canning, packing, and other preparation, handling, marking and labeling of product, examine such articles to detect unsound or unfit conditions, enforce sanitary requirements, and perform various other duties.

(g) Perishable foodstuffs inspectors. These employees examine for specification compliance and condition, meat and meat food products, seafoods, dairy products, eggs, fruits, vegetables, breads, and other perishable foodstuffs offered under contract with certain governmental agencies, and perform various other duties.

(h) Inspectors of imported meats and animal byproducts. These employees in-

spect products, animal byproducts and the like offered for entry into the United States, and enforce regulations pursuant to various laws governing the importation and sanitary control of such articles, and perform various other duties.

(i) Meat laws investigators. These employees investigate complaints, irregularities, and apparent and alleged violations of laws and regulations governing meat inspection, and perform various other duties. -

PART 254—APPLICATIONS FOR INSPECTION OR EXEMPTION; RETAIL BUTCHERS, RE-TAIL DEALERS, AND FARLIERS

254.1 Application for inspection or exemp-

254.2 Inspection; drawings, information to be furnished, subsidiary establishments, notice of grant of inspection, false statements.

254.3 Exemption.

254.4 Exemption; holders of, limited to supplying own customers. Shipments of farm dressed meat.

254.5 254.6 Inspection for violations.

§ 254.1 Application for inspection or exemption. The proprietor or operator of each establishment of the kind specifled in §§ 252.1 and 252.3 of this subchapter shall make application to the chief of division for inspection or for exemption from inspection. Every application under this section shall be made on a form furnished by the division. Washington, D. C. In cases of change of ownership or change of location, a new application shall be made.

§ 254.2 Inspection; drawings, injormation to be furnished, subsidiary establishments, notice of grant of inspection, false statements. (a) Triplicate copies of complete drawings, with specifications, consisting of floor plans showing the locations of such features as the principal pieces of equipment, floor drains, principal drainage lines, hand washing basins, and hose connections for cleanup purposes; roof plans; elevations; cross and longitudinal sections of the various buildings showing such features as principal pieces of equipment, heights of ceilings, conveyor rails, and character of floors and ceilings; and a plot plan showing such features as the limits of the plant's premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railroads serving the plant, properly drawn to scale, shall accompany applications for inspection. Applicants for inspection may request information from the chief of division concerning the requirements before submitting plans.

(b) Each application shall specify the names, addresses, and forms of organization of subsidiaries for which inspection is requested to do any of the business described in §§ 252.1 or 252.3 of this subchapter.

(c) Notice in writing shall be given to each applicant granted inspection, specifying the establishment to which the same applies.

(d) The chief of division is hereby authorized to determine whether applications for inspection or for exemption from inspection shall be granted or re-

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fused, and to revoke his prior approval of any application if he determines that any false statement was made in such application.

- § 254.3 Exemption. (a) butchers and retail dealers in product, supplying their customers, as provided in the Meat-inspection Act, upon making application, pursuant to § 254.1, may be exempted from inspection. To each one so exempted a numbered certificate of exemption shall be furnished. No certificate of exemption shall be issued unless all the premises on which the products are prepared and handled are maintained in a sanitary condition. Failure by certificate holders to maintain santtary conditions or to conform to such of the regulations in this subchapter as apply to them shall be cause for withdrawal of exemption and the cancellation of certificates. Such exempted establishments shall conform to the same regulations as govern official establishments in regard to labeling, the use of dyes, chemicals, and preservatives, and the prescribed treatment of pork to destroy trichinae as required under Part 268 of this subchap-
- (b) On request of the chief of division, or an employee designated by him, an exempted establishment shall furnish such information concerning its business and operations as has a bearing on the exemption of the establishment from inspection.
- (c) The chief of division is hereby authorized to withdraw exemption from any exempted establishment which fails to comply with any applicable provision of the Meat-inspection Act or of the regulations made pursuant thereto.
- § 254.4 Exemption, holders of, limited to supplying own customers. No establishment holding a certificate of exemption shall use the same for any purpose except to supply its own customers, as provided in the Meat Inspection Act.
- § 254.5 Shipments of farm dressed meat. The carcasses and products of animals slaughtered by any farmer on the farm: Provided, They can be identified as such and are sound, healthful, wholesome, and fit for human food, and otherwise meet the requirements of the applicable regulations in this subchapter, may be transported in interstate or foreign commerce under the provisions of § 275.11 of this subchapter. A farmer need not apply for exemption from inspection in order to procure the transportation of such carcasses and products.
- § 254.6 Inspection for molations. The issuance of certificates of exemption shall be conditioned on the granting of permission by the holder thereof to inspectors to make inspections to ascertain whether any of the regulations in this subchapter have been violated. Inspectors shall make inspections to ascertain whether any of the regulations in this subchapter applying to retail butchers, retail dealers, farmers or other persons have been violated.

PART 255—OFFICIAL NUMBERS AND INAUG-URATION OF INSPECTION

Sec. 225.1 Official numbers; subsidiary establishments.

255.2 Separation of official from unofficial establishment.

255.3 Sanitation and adequate facilities.

255.4 Inauguration of inspection.

255.5 Withdrawal of inspection for violations of regulations.

255.6 Reports of violations of regulations.

- § 255.1 Official numbers; subsidiary establishments. (a) To each establishment granted inspection an official number shall be assigned. Such number shall be used to identify all inspected and passed products prepared in the establishment. More than one number shall shall not be assigned to an establishment.
- (b) Two or more official establishments under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof.
- (c) When inspection has been granted to a person at an establishment, it shall not be granted to any other person at the same establishment, except that a subsidiary of the grantee, doing any of the business described in § 252.1 of this subchapter may apply for and receive inspection.
- § 255.2 Separation of official from unofficial establishment. (a) Each official establishment shall be separate and distinct from any unofficial establishment, from any unofficial establishment in which any product is handled, and from any other unofficial establishment at the discretion of the chief of division.
- (b) Inspection shall not be inaugurated in any building any part of which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, or similar material, and the floor, walls, and ceilings are without opening that directly or indirectly communicates with any part of the building used as living quarters.
- § 255.3 Sanitation and adequate facilities. Inspection shall not be begun if an establishment is not in a sanitary condition nor unless the establishment agrees to maintain such condition and provides adequate facilities for conducting such inspection.
- § 255.4 Inauguration of inspection. When an application for inspection is granted, the inspector in charge shall, at or prior to the inauguration of inspection, inform the proprietor or operator of the establishment of the requirements of these regulations. If the establishment, at the time inspection is inaugurated, contains any product which has not theretofore been inspected, passed, and marked in compliance with the regulations in this subchapter, the identity of the same shall be maintained, and it Shall not be transported or offered for transportation in interstate or foreign commerce, or otherwise dealt with as inspected and passed under the regula-

tions in this subchapter. The establishment shall adopt and enforce all necessary measures, and shall comply with all such directions as the inspector in charge may prescribe, for carrying out the purposes of this section.

§ 255.5 Withdrawal of inspection for violations of regulations. The chief of division is hereby authorized to withdraw inspection from any official establishment which fails to comply with any provision of the Meat Inspection Act or of the regulations made pursuant thereto.

§ 255.6 Reports of violations of regulations. Inspectors and other division employees shall report to the inspector in charge all violations and failures under § 255.5 of which they have knowledge, and the inspector in charge shall report the same to the chief of division.

## PART 256—ASSIGNMENT OF DIVISION EMPLOYEES

- 256.1 Designation of inspector in charge and assistants.
- 256.2 Division employees to have access to establishments at all times.
- 256.3 Badge as identification of inspectors.
  256.4 Assignment of inspectors where members of family employed; soliciting employment.
- § 256.1 Designation of inspector in charge and assistants. The chief of division shall designate an inspector in charge of the inspection at each official station, and assign to said inspector such assistants as may be necessary.
- § 256.2 Division employees to have access to establishments at all times. For the purpose of any examination or inspection necessary to enforce any of the provisions of the regulations contained in this subchapter, division employees shall have access at all times, by day or night, whether the establishment is operated or not, to every part of any official establishment to which they are assigned.
- § 256.3 Badge as identification of inspectors. Each division employee will be furnished with a numbered official badge, which he shall not allow to leave his possession, and which he shall wear in such manner and at such times as the chief of the division may prescribe. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the establishment and premises to which he is assigned, and to any place, at any time, for the purpose of making an inspection pursuant to § 268.3 of this subchapter.
- § 256.4 Assignment of inspectors where members of family employed, soliciting employment. Except as specifically authorized by the chief of division, no division employee shall be detailed for duty at an establishment where any member of his family is employed by the establishment, nor shall any inspector in charge or other employee acting in a supervisory capacity be continued on duty at an official station where any member of his family is employed by any establishment under his jurisdiction. Division employees are forbidden to

solicit, for any person, employment at any official establishment, or by any officer, manager, or employee thereof.

PART 257-FACILITIES FOR INSPECTION-

Sec.

Facilities for division employees. Hours of operation of official establish-257.1 257.2 ments.

Designation of days and hours of 257.3 operation by inspector in charge.

Overtime work of meat inspection

employees.

257.5 Facilities and conditions to be provided by establishment.

257.6 Inspectors to furnish implements and maintain hands and implements in sanitary condition.

§ 257.1 Facilities for division employees. Furnished office room, including light, heat, and janitor service, shall be provided by official establishments, rent free, for the exclusive use for official purposes of the inspector and other division employees assigned thereto. The room or rooms set apart for this purpose shall meet with the approval of the inspector in charge and shall be conveniently located, properly ventilated, and provided with lockers suitable for the protection and storage of division supplies and with facilities suitable for division employees to change clothing. Laundry service for inspectors' outer work clothing shall be provided by establishments.

§ 257.2 Hours of operation of official establishments. Each official establishment shall inform the inspector in charge, or his assistant, when work in each department has been concluded for the day, and of the day and hour when work will be resumed therein. Whenever any product is to be overhauled or otherwise handled in an official establishment during unusual hours, the establishment shall, a reasonable time in advance, notify the inspector in charge, or his assistant, of the day and hour when such work will be commenced, and such articles shall not be so handled except after such notice has been given. No department of an official establishment shall be operated except under the supervision of a division employee. All slaughtering of animals and preparation of products shall be done within reasonable hours, and with reasonable speed, the facilities of the establishment being considered. No shipment of any product shall be made from an official establishment until after due notice has been given to the inspector in charge or his assistant.

§ 257.3 Designation of days and hours of operation by inspector in charge. When one inspector is detailed to conduct the work at two or more official establishments where few animals are slaughtered or where but a small quantity of any product is prepared, the inspector in charge may designate the hours of the day and the days of the week during which such establishments may be operated.

§ 257.4 Overtime work of meat inspection employees. The management of an official establishment desiring to operate under conditions which will require the services of an employee of the division

on Sunday or a holiday, or for more than eight working hours of any day, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to provide inspection service during such overtime period, and shall reimburse the Secretary of Agriculture for the cost of such overtime upon receipt of notice from an authorized official of the department. It will be administratively determined from time to time which days constitute holidays.

§ 257.5 Facilities and conditions to be provided by establishment. When required by the chief of division or the inspector in charge, the following facilities and conditions, and such others as may be essential to efficient conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment:

(a) Satisfactory pens, equipment, and assistants for conducting ante-mortem inspection and for separating, marking, and holding apart from passed animals those marked "U.S. suspect" and those marked "U.S. condemned" Pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes. Sufficient light shall be provided for the inspection.

(b) Sufficient natural light and abundant artificial light at all places and such times of the day when natural light may not be adequate for proper conduct of inspection. Rooms shall be kept sufficiently free of steam and vapors for inspection to be properly made. Equipment or substances which generate gases or odors shall not be used except as specifically permitted by the chief of division.

(c) Racks, receptacles, or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after the post-mortem examination is completed, in order that they may be identifled in case of condemnation of the carcass; equipment, trucks, and receptacles for the handling of viscera of slaughtered animals so as to prevent contact with the floor; trucks, racks, marked receptacles, tables, or other necessary equipment for the separate and sanitary handling of carcasses or parts passed for cooking.

(d) Tables, benches, and other equipment on which inspection is performed, of such design, material, and construction as to enable division employees to conduct their inspection in a ready, efficient and cleanly manner.

(e) Watertight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the phrase "U. S. condemned" in letters not less than 2 inches high and, when required by the inspector in charge, to be equipped with facilities for locking or sealing.

(f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased

carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise.

(g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places", at which the final inspection of retained carcasses may be conducted. Competent assistants for handling retained carcasses and parts shall be provided by the establishment. Final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts, passed for food or cooking, from being contaminated by contact with condemned carcasses or parts. They shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection. The floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper dramage connections, and when the final inspection place is part of a larger floor, it shall be separated by a curb, railing, or otherwise.

(h) Rooms, compartments, and receptacles in which carcasses and product may be held for further inspection. These shall be in such number and in such locations as the needs of the mspection in the establishment may require. They shall be equipped for secure locking and shall be held under locks furnished by the department, the keys of which shall not leave the custody of division employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "U. S. retained" in letters not less than two inches high. Rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including a sanitary disposal of the floor liquids.

(i) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with the regulations in this subchapter. Tanks or other rendering equipment which, under the regulations in this subchapter, must be sealed, shall be properly equipped for sealing as may be specified by the chief of division.

(i) Docks and receiving rooms, to be designated by the establishment, with the approval of the inspector in charge, for the receipt and inspection of all products as provided in § 268.4 of this subchapter.

(k) Suitable lockers in which brands bearing the inspection legend shall be kept when not in use. All such lockers shall be equipped for locking with locks to be supplied by the department, the keys of which shall not leave the custody of

division employees.

§ 257.6 Inspectors to furnish implements and maintain hands and implements in sanitary condition. Inspectors shall furnish their own work clothing and implements, such as knives, steels, and triers, for conducting inspection and shall cleanse their hands and implements as prescribed by § 258.8 (c) of this subchapter.

#### PART 258-SANITATION

Sec. 258.1 Examination and specifications for equipment and sanitation prior to granting inspection.

258.2 Drawings and specifications to be furnished in advance of construction.

258.3 Establishments; sanitary condition; requirements.

258.4 Sanitary facilities and accommodations; specific requirements.

258.5 Equipment to be easily cleaned; that for inedible products to be marked.

for inedible products to be marked 258.6 Scabbards for knives.

258.7 Rooms, compartments, etc., to be clean and sanitary.

258.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.

258.9 Protective coverings for product.
 258.10 Slack barrels and similar containers and vehicles and cars for product; paper in contact with product.

258.11 Burlap wrapping for meat; meat wrapped in, to be previously wrapped in paper or cloth.

258.12 Second-hand tubs, barrels, other con-

258.12 Second-hand tubs, barrels, other containers and tank cars; inspection and cleaning.

258.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, alleys, etc., flybreeding material; nuisances.

258.14 Employment of diseased persons. 258.15 Tagging insanitary equipment, etc.

§ 258.1 Examination and specifications for equipment and sanitation prior to granting inspection. Prior to the inauguration of inspection, an examination of the establishment and premises shall be made by a division employee and the requirements for sanitation and the necessary facilities for inspection specified.

§ 258.2 Drawings and specifications to be furnished in advance of construction. Triplicate copies of drawings and specifications, complete as contemplated in § 254.2 of this subchapter, for remodeling plants of official establishments and for new structures shall be submitted to the chief of division and approval obtained for the plans in advance of construction.

§ 258.3 Establishments; sanitary conditions; requirements. (a) Official establishments, establishments at which market inspection is conducted, and premises on or in which any product is prepared or handled by or for persons to whom certificates of exemption have been issued, shall be maintained in sanitary condition, and to this end the requirements of paragraphs (b) to (h), inclusive, of this section shall be complied with.

(b) There shall be abundant light, both natural and artificial, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary condition.

(c) There shall be an efficient drainage and plumbing system for the establishment and premises, and all drains and gutters shall be properly installed with approved traps and vents.

(d) The water supply shall be ample, clean, and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. Every establishment shall make known, and whenever required

shall afford opportunity for inspection of, the source of its water supply, the storage facilities, and the distribution system.

(e) The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be kept watertight. The rooms and compartments used for edible products shall be separate and distinct from those used for inedible products.

(f) The rooms and compartments in which any product is prepared or handled shall be free from dust and from odors from dressing and toilet rooms, atchbasins, hide cellars, casing rooms, inedible tank and fertilizer rooms, and

livestock pens.

(g) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from establishments. use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden, except under such restrictions and precautions as the chief of division may prescribe. The use of bait poisons in hide cellars, medible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden but only those approved by the chief of division may be used. Socalled rat viruses shall not be used in any part of an establishment or the premises thereof.

(h) Dogs and cats shall be excluded from establishments.

§ 258.4 Sanitary facilities and accommodations; specific requirements. Adequate sanitary facilities and accommodations shall be furnished by every official establishment. Of these the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with windows to admit direct, natural light and shall have adequate facilities for artificial light. They shall be properly ventilated, and meet all requirements as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Where both sexes are employed, separate facilities shall be provided.

(b) Modern lavatory accommodations, including running, hot and cold water, soap, towels, etc. These shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling product.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings and drainage from toilet bowls and urinals shall not be discharged into a greese catchlasin

charged into a grease catchbasin.
(d) Properly located facilities for cleansing and disinfecting utensils and hands of all persons handling any product.

§ 258.5 Equipment to be easily cleaned, that for inedible products to be marked. Equipment and utensils used

for preparing, processing, and otherwise handling any product shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other impervious material. Trucks and receptacles used for construction and shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible products.

§ 258.6 Scabbards for knives. Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., by workers and others at inspected establishments shall be constructed of rust-resisting metal or other impervious material, shall be of a type that may be readily cleaned, and shall be kept clean,

§ 258.7 Rooms, compartments, etc., to be clean and sanitary. Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the establishment, shall be kept clean and in sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where product is prepared, stored, or otherwise handled.

§ 258.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary. (a) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with gleanly and sanitary methods.

(b) Rooms and compartments in which inspections are made and those in which animals are slaughtered or any product is processed or prepared shall be kept sufficiently free of steam and vapors to enable division employees to make inspections and to insure cleanly operations. The walls, ceilings, and overhead structures of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from mosture.

(c) Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water or in a prescribed disinfectant, followed by rinsing in clean water. The employees of the establishment who handle any product shall keep their hands clean, and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any product or implements used in the preparation of product.

(d) Aprons, frocks, and other outer clothing worn by persons who handle any product shall be of material that is readily cleansed and only clean garments

shall be worn.

(e) Such practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings, or testing with

air from the mouth such receptacles as tierces, kegs, casks, and the like, containing or intended as containers of any product, are prohibited. Only mechanical means may be used for testing. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments and the like.

§ 258.9 Protective coverings for product. Inspectors in charge shall require the use of such protective coverings for product as it is distributed from official establishments as will afford adequate protection for the product against dust, dirt, insects and the like, considering the means intended to be employed in transporting the product from the establishment.

§ 258.10 Slack barrels and similar containers and vehicles and cars for prodduct; paper in contact with product. (a) When necessary to avoid contamination of product with wood splinters and the like, slack barrels and similar containers and vehicles and cars shall be lined with suitable material of good quality before packing.

(b) Slack barrels and similar containers and vehicles and cars in which any product is transported shall be kept in a clean and sanitary condition.

(c) Paper used for covering or lining slack barrels and similar containers and vehicles and cars shall be of a kind which does not tear during use but remains intact when moistened by the product and does not disintegrate.

§ 258.11 Burlap wrapping for meat; meat wrapped in, to be previously wrapped in paper or cloth. Since burlap used without any other material as a wrapping for meat deposits lint on the meat and does not sufficiently protect it from outside contamination, the use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign matter.

§ 258.12 Second-hand tubs; barrels, other containers and tank cars; inspection and cleaning. (a) Second-hand tubs, barrels, and boxes intended for use as containers of any product shall be inspected when received at the establishment and before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned. Steaming, after thorough scrubbing and rinsing, is essential to cleaning tubs and barrels.

(b) Interiors of tank cars about to be used for the transportation of any product shall be carefully inspected for cleanliness even though the last previous content was edible. Lye and soda solutions used in cleaning must be thoroughly removed by rinsing with clean water. In their examinations division employees shall enter the tank with a light and examine all parts of the interior.

§ 258.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, alleys, etc.; flybreeding material; nuisances. All operating and storage rooms and departments of official establishments used for inedible materials shall be maintained in acceptably clean condition. The outer premises of every official establishment. embracing docks and areas where cars and vehicles are loaded, and the driveways, approaches, yards, pens, and alleys, shall be properly paved and drained and kept in clean and orderly condition. All catchbasins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. Catchbasins shall not be located in departments where product is prepared, handled, or stored. The accumulation on the premises of establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure, is forbidden. No nuisance shall be allowed in any establishment or on its premises.

§ 258.14 Employment of diseased persons. No establishment shall employ, in any department where any product is handled or prepared, any person affected with tuberculosis or other communicable disease in a transmissible stage.

§ 258.15 Tagging insanitary equipment, etc. When necessary, division employees shall attach a "U. S. rejected" tag to any equipment or utensil which is unclean or the use of which would be in violation of the regulations in this subchapter. No equipment or utensil so tagged shall again be used until made acceptable. Such tag so placed shall not be removed by any one other than a division employee.

#### PART 259—ANTE-MORTEM INSPECTION

Ante-mortem inspection in pens of 259.1

official establishments; suspects.
259.2 Animals suspected of being diseased; disposition of on post-mortem ininspection or otherwise; marking suspects; temperatures where dis-

ease suspected.
259.3 Marking animals "U. S. condemned" found diseased, dead, or in dying condition.

Cripples and downers; boars and stags. 259.4 Immature animals.

Animals showing symptoms of rables, tetanus, parturient parecis or rall-road sickness.

259.7 Hog cholera; swine injected with hog cholera virus.

Epithelioma of the eye of cattle. Animals affected with anthrax; clean-ing and disinfection of infected 259.9

livestock pens and driveways. 259.10 Cattle affected with anasarca or generalized edema.

259.11 Tubercular test reactors.

259.12 Swine erisipelas.

259.13 Pregnancy or recent parturition. 259.14 Vaccine animals.

259.15 Emergency slaughter; inspection prior

259.16 Disposition of condemned animals. 259.17 Brucellosis-reactor goats.

§ 259.1 Ante-mortem inspection in pens of official establishments; suspects. (a) An ante-mortem examination and inspection shall be made of all cattle, sheep, swine, and goats about to be slaughtered in an official establishment before their slaughter shall be allowed. Such inspection shall be made on the day of slaughter.

(b) Such ante-mortem inspection shall be made in pens on the premises of the establishment in which the animals are about to be slaughtered. When the holding pens of an official establishment are located in a public stock yard and are reserved for the exclusive use of the establishment, such pens shall be regarded as part of the premises of that establishment and the establishment shall be responsible therein for all requirements of this subchapter.

(c) Every animal required to be marked as a suspect on ante-mortem inspection in the pens of an official establishment shall be set apart, and, except as hereinafter provided, shall be slaughtered separately from other animals at that establishment unless disposed of as otherwise provided in this part.

§ 259.2 Animals suspected of being diseased; disposition of on post-mortem inspection or otherwise; marking suspects; temperatures where disease suspected. (a) All animals which, on antemortem inspection, do not plainly show, but are suspected of being affected with, any disease or condition that, under this subchapter, may cause condemnation, in whole or in part on post-mortem inspection, shall be so marked as to retain their identity as suspects until final post-mortem inspection, when the carcasses shall be marked and disposed of as provided elsewhere in this sub-chapter, or until disposed of as otherwise provided for in this part.

(b) All animals required by this subchapter to be treated as suspects, or to be marked as suspects, or to be marked so as to retain their identity as suspects, shall be marked by or under the supervision of a division employee "U. S. suspect", or with other distinctive mark or marks to indicate that they are suspects as the chief of division may adopt, such as provided under § 259.11. No such mark shall be removed except by a division employee.

(c) Each animal marked "U. S. suspect" on ante-mortem inspection, and animals treated as suspects such as provided under § 259.11, when presented for slaughter shall be accompanied with an FDA Form 402-2 (formerly MI 119-A), on which shall be recorded the suspect tag number and any other identifying tag numbers present and a brief description of the animal and of the disease or condition for which the animal was classed as a suspect, including its temperature when the temperature of such animal might have a bearing on the disposition of the

carcass on post-mortem inspection.

(d) Any swine having a temperature of 106° F. or higher and any cattle, sheep or goats having a temperature of 105° F. or higher shall be marked "U. S. con-In case of doubt as to the demned" cause of the high temperature, or when for other reasons such action appears warranted, any such animals may be held for a reasonable time, under the supervision of a division employee, for further observation and taking of temperature before final disposition of such animals is determined.

(e) When any animal tagged "U.S. suspect" is released for any purpose or reason, as provided in this part, the tag shall be removed by a division employee and his action reported to the inspector in charge.

§ 259.3 Marking animals "U. S. condemned" found diseased, dead, or in dying condition. (a) All animals plainly showing on ante-mortem inspection any disease or condition that, under this subchapter, would cause condemnation of their carcasses on post-mortem inspection shall be marked "U. S. condemned" and disposed of in accordance with § 259.16.

(b) Animals received for slaughter and found in a dying condition on premises of an official establishment shall be marked "U. S. condemned" and disposed of in accordance with § 259.16.

(c) Reactors to the tuberculin test, required by this section to be condemned. should be autopsied and the findings made the subject of a special report.

§ 259.4 Cripples and downers; boars and stags. (a) All seriously crippled animals and animals commonly termed "downers" if not marked "U. S. condemned" as required elsewhere in this part, shall be marked and treated as suspects in accordance with § 259.2.

(b) All boars which are sexually mature, and 'swine stags which show evidence of recent castration, shall be marked and treated as suspects in accordance with § 259.2.

§ 259.5 Immature animals. Animals which are offered for ante-mortem inspection under this part, and which are regarded as immature, shall be marked "U. S. suspect" and, if slaughtered, the disposition of their carcasses shall be determined by the post-mortem findings in connection with the ante-mortem conditions. If not slaughtered as suspects. such animals shall be held under division or other responsible official supervision, and after sufficient development may be released for slaughter, or may be released for any other purpose, provided they have not been exposed to any infectious or contagious disease.

§ 259.6 Animals showing symptoms of rabies, tetanus, parturient, paresis or railroad sickness. All animals showing on ante-mortem inspection symptoms of rabies, tetanus, parturient paresis or railroad sickness shall be marked "U. S. condemned" and disposed of in accordance with § 259.16, except that cattle showing symptoms of parturient paresis or railroad sickness may be set apart and held for treatment under division or other responsible official supervision. If. at the expiration of the treatment period, the animal upon examination is found to be free from disease, it may be released for any purpose in accordance with § 259.16.

§ 259.7 Hog cholera; swine injected with hog cholera virus. (a) All hogs plainly showing on ante-mortem inspection that they are affected with hog cholera shall be marked "U. S. condemned" and disposed of in accordance with § 259.16.

(b) If a hog has a temperature of 106° F or higher, and is of a lot in which there are symptoms of hog cholera, in case of doubt as to the cause of the high temperature, after being marked for identification, it may be held for a reasonable time, under the supervision of a division employee for further observation and taking of temperature. Any hog so held shall be reinspected on the day it is slaughtered. If, upon such reinspection, or, when not held for further observation and taking of temperature, then on the original inspection, the hog has a temperature of 106° F or higher, it shall be condemned and disposed of in accordance with § 259.16.

(c) All hogs, even though not themselves marked as suspects, which are of lots one or more of which have been condemned or marked as suspects for hog cholera, shall, so far as possible, be slaughtered separately and apart from all other animals passed on ante-mortem

inspection.

(d) A hog suspected of being affected with hog cholera may be-set apart for and held for treatment under division or other responsible official supervision. If at the expiration of the treatment period the animal, upon examination, is found to be free from disease, it may be released for any purpose, including slaughter.

(e) Swine, other than hyperimmune swine, shall be condemned on ante-mortem inspection if offered for slaughter within 28 days after injection with hog-

cholera virus.

(f) Swine, other than hyperimmune swine, offered for slaughter after 28 days following injection with hog-cholera virus shall be given ante-mortem inspection in conformity with this subchapter without reference to the injected virus.

(g) Hyperimmune swine shall be condemned on ante-mortem inspection if offered for slaughter within 10 days after

hyperimmunization.

(h) Hyperimmune swine offered for slaughter after 10 days following hyperimmunization shall be given ante-mortem inspection in conformity with this subchapter without reference to the inrected virus.

§ 259.8 Epithelioma of the eye of cattle. (a) Any animal found on ante-mortem inspection to be affected with epithelioma of the eye and of the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection. suppuration, and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or of the orbital region which, regardless of extent, is accompanied with cachexia shall be marked "U. S. condemned" and disposed of in accordance with § 259.16.

(b) Any animal found on ante-mortem inspection to be affected with epithelioma of the eye or of the orbital region to a lesser extent than in (a) shall be marked "U. S. suspect" and disposed of as provided in this subchapter.

§ 259.9 Animals affected with anthrax; cleaning and disinfection of infected livestock pens and driveways. (a) Any animal found on ante-mortem inspection to be affected with anthrax shall be marked "U. S. condemned" and disposed of in accordance with § 259.16.

(b) No animal of a lot in which anthrax is found on ante-mortem inspection shall be presented for post-mortem inspection until it has been determined by a careful ante-mortem inspection that no infected animal remains in the lot. Apparently healthy animals other than hogs shall be held as provided for in paragraph (c) of this section. If desired, all apparently healthy animals of the lot may be segregated and held for treatment by a competent veterinarian under division or other responsible official supervision. No anthrax vaccine (live organisms) shall be used on the premises of an official establishment.

(c) Apparently healthy animals of a lot of cattle, calves, sheep, or goats in which anthrax is detected, and animals which have been treated with anthrax biologicals which do not contain living anthrax organisms, shall not be presented for post-mortem inspection in less than 21 days following the last treatment or the last death. Treatment with anthrax vaccine (live organisms) must be elsewhere than on the official premises and subject to the conditions stated in paragraph (d) of this section.

(d) Animals which have been injected with anthrax vaccines (live organisms) within six weeks, and those bearing evidence of reaction to such treatment, such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on ante-mortem inspection, or such animals may be held under division or other responsible official supervision until the expiration of the six-week period and the disappearance of any reac-

tion to the treatment.

(e) When animals are found on antemortem inspection to be affected with anthrax, the cleaning and disinfection of exposed livestock pens and driveways of the official establishment shall consist of promptly and thoroughly removing and burning all straw, litter, and manure. This should be followed immediately by a thorough disinfection of the exposed premises by soaking the ground, fences, gates, and all exposed material with a 5 percent solution of sodium hydroxide or commercial lye prepared as outlined in § 260.9 (e) (1) of this subchapter, or other disinfectant approved by the chief of division specifically for this purpose.

§ 259.10 Cattle affected with anasarca or generalized edema. (a) All cattle found on ante-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be marked "U.S. condemned" and disposed of in accordance with § 259.16.

(b) Cattle found on ante-mortem inspection to be affected with anasarca to a lesser extent than in paragraph (a) of this section shall be marked "U. S. suspect" and disposed of as provided else-

where in this subchapter.

(c) An animal suspected of being affected with anasarca may be set apart and held for treatment under division or other responsible official supervision. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose.

§ 259.11 Tuberculin test reactors. Animals which are known to have reacted to the tuberculin test and which are to be slaughtered at an official establishment shall be marked and treated as suspects in accordance with § 259.2, except that animals bearing an official "USBAI Reacted" or similar State reactor tag should not be tagged "U.S. suspect"

§ 259.12 Swine erysipelas. (a) All hogs plainly showing on ante-mortem inspection that they are affected with acute swine erysipelas shall be marked "U.S. condemned" and disposed of in accordance with § 259.16.

(b) All hogs suspected on ante-mor-tem inspection of being affected with swine erysipelas shall be marked and treated as suspects and disposed of in accordance with this subchapter.

(c) A hog suspected of being affected with swine erysipelas may be set apart and held under division or other responsible official supervision for treatment. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose.

§ 259.13 Pregnancy or recent parturition. The slaughter of an animal which has been marked as a suspect on account of advanced pregnancy or on account of having recently given birth to young, and which has not been exposed to any infectious or contagious disease, is not required. Such animal, together with its young, may be released for breeding or dairy purposes, and when released shall be removed promptly from the stock-yards or premises of the establishment where inspected. Such animals may be held at the establishment for a period of not less than 10 days. At the completion of this holding period if the animals appear normal and have not been exposed to contagious or infectious disease, they may be released for slaughter or for any other purpose.

§ 259.14 Vaccine animals. Vaccine animals with unhealed lesions of vaccinia, accompanied with fever, which have not been exposed to any other infectious or contagious disease, are not required to be slaughtered and may be released for removal from the premises.

§ 259.15 Emergency slaughter : inspection prior to. In all cases of emergency slaughter, except as provided in § 261.29 of this subchapter, the animals shall be inspected immediately before slaughter, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify the inspector in charge or his assistant so that such inspection may be

§ 259.16 Disposition of condemned animals. Except as otherwise provided in this part, animals marked "U.S. condemned" shall be killed by the official establishment, if not already dead, andshall not be taken into an establishment to be slaughtered or dressed; nor shall they be conveyed into any department of the establishment used for edible prod-

ucts; but they shall be disposed of and tanked in the manner provided for condemned carcasses in Part 264 of this subchapter. The "U. S. condemned" tag shall not be removed from, but shall remain on, the carcass until it goes into the tank at which time it may be removed by a division employee only. The number of such tag shall be reported to the inspector in charge by the inspector who affixed it, and also by the inspector who supervised the tanking of the carcass. Any animal condemned on account of hog cholera, swine erysipelas, railroad sickness, parturient paresis, or anasarca, may be set apart and held for treatment under division or other responsible official supervision. The "U.S. condemned" tag will be removed by a division employee either when the animal is released to a responsible official for treatment, or following treatment under division supervision if the animal is found to be free from disease. When an animal under the provisions of these regulations is to be released for a purpose other than slaughter, the official establishment or the owner of the animal shall first obtain permission for the movement of such animal from the local, state, or Federal livestock sanitary official having jurisdiction.

§ 259.17 Brucellosis-reactor goats. Goats which have reacted to a test for brucellosis shall not be slaughtered in an official establishment.

#### PART 260-POST-MORTEM INSPECTION

Sec. 260.1 Extent and time of post-mortem inspection.

Organs and parts to be held pending final inspection of carcacces. 260.2 260.3

Carcasses and parts in certain in-stances to be retained. Identification of carcasses and parts; 260.4

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Anthrax; carcasses not to be eviscererated; carcasses affected to be tanked immediately; hides, hoofs, horns, hair, viscera and contents, and fat to be tanked; handling of blood and scalding vat water; general clean-up and disinfection.

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cising.
260.12 Sternum to be split; abdominal and thoracic viscera to be removed.

Carcasses or parts thereof not to be 260.13 inflated; transferring caul or other

250.14 Handling of bruised parts.
260.15 Skins from diseased swine; removal from establishments; disinfection; separate compartments.

260.16 Hyperimmune swine bled before en-

tering official establishments. 260.17 Inspection of cattle, calf and cheep lungs; hog lungs not to be saved as edible.

260.18 Inspection of mammary glands.

§ 260.1 Extent and time of post-mortem inspection. A careful post-mortem-

examination and inspection shall be made of the carcasses and parts thereof of all cattle, sheep, swine, and goats slaughtered at official establishments. Such inspection and examination shall be made at the time of slaughter, except in cases of emergencies provided for in § 261.29 of this subchapter.

§ 260.2 Organs and parts to be held pending final inspection of carcasses. The head, tongue, tail, thymus gland, and all viscera, and all parts and blood to be used in the preparation of meat food products or medical products, shall be held in such manner as to preserve their identity until after post-mortem examination has been completed, in order that they may be identified in case the carcass is condemned, passed for cooking, or held for refrigeration.

§ 260.3 Carcasses and parts in certain instances to be retained. Each carcass, including all detached parts and organs thereof, in which any lesion or other condition is found that might render the meat or any part or organ unfit for food purposes, and which for that reason would require a subsequent inspection, shall be retained by the division employee at the time of inspection. The identity of every such retained carcass, detached part, and organ thereof shall be maintained until the final inspection has been completed. Retained carcasses shall not be washed or trimmed unless authorized by the inspector.

§ 260.4 Identification of carcasses and parts; tagging. Such devices and methods as may be approved by the chief of division may be used for the temporary identification of retained carcasses, parts, or organs. In all cases the identification shall be further established by affixing "U. S. retained" tags as soon as practicable and before final inspection. These tags shall not be removed except by a division employee.

§ 260.5 Condemned carcasses and parts to be so marked; tanking; separation. Each carcass or part which is found on final inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food shall be conspicuously marked on the surface tissues thereof by a division employee at the time of inspection "U. S. inspected and condemned" Condemned detached parts and organs of such character that they cannot be so marked shall be placed immediately in truck or receptacles which shall be kept plainly marked "U.S. inspected and condemned", in letters not less than 2 inches high. All condemned carcasses, parts, and organs shall remain in the custody of a division employee and shall be tanked as required in the regulations in this subchapter at or before the close of the day on which they are condemned.

§ 260.6 Carcasses and parts passed for cooking; marking. Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissues thereof by a division employee at the time of inspection, "U. S. passed for cooking" All such carcasses and parts shall be cooked in accordance with Part 265 of this subchapter, and until so cooked shall remain in the custory of a division employee.

§ 260.7 Disposal of parts showing localized lesions; removal of spermatic cords and pizzles. (a) In all cases where carcasses showing localized lesions are passed for food or for cooking, the diseased parts shall be removed before the "U. S. retained" tag is taken from the carcass, and such parts shall be condemned.

(b) Spermatic cords shall be removed from hog carcasses, and pizzles from all carcasses.

§ 260.8 Passing and marking of carcasses and parts. Carcasses and parts found to be sound, healthful, wholesome, and fit for human food shall be passed and marked as elsewhere provided in this subchapter.

§ 260.9—Anthrax; carcasses not to be eviscerated; carcasses affected to be tanked immediately; hides, hoofs, horns, hair viscera and contents, and fat to be tanked, handling of blood and scalding vat water general clean-up and disinfection. (a) Carcasses found before evisceration to be affected with anthrax shall not be eviscerated but shall be retained, condemned, and immediately tanked or otherwise disposed of as provided in Part 264 of this subchapter.

(b) All carcasses and all parts, including hides, hoofs, horns, hair, viscera and contents, blood and fat, found to be affected with anthrax shall be condemned and immediately disposed of as provided in Part 264 of this subchapter, except that the blood may be handled through the usual blood cooking and drying

equipment.

(c) The part of any carcass contaminated with anthrax-infected material through contact with soiled instruments, or otherwise shall be immediately condemned and disposed of as provided in Part 264 of this subchapter.

(d) The scalding vat water through which hog carcasses affected with anthrax have passed shall be immediately drained into the sewer and all parts of the scalding vat shall be cleaned and disinfected as provided in paragraph (e) of this section.

(e) (1) That portion of the slaughtering department (bleeding area, scalding vat, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, hooks, and the like) as well as employees' boots and aprons contaminated through contact with anthrax-infected material, shall, except as provided in subparagraph (2) of this paragraph, be cleaned immediately and disinfected with one of the following disinfectants or other disinfectant approved specifically for this purpose by the chief of division:

(i) A 5% solution of sodium hydroxide or commercial lye containing at least 94% of sodium hydroxide. The solution should be prepared freshly immediately before use by dissolving 2½ pounds of sodium hydroxide or lye in 5½ gallons of hot water and should be applied as near scalding hot as possible to be most effective. (Owing to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to

protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged on the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(ii) A solution of sodium hypochlorite containing approximately one-half of 1% (5000 parts per million) of available chlorine. The solution should be fresh-

ly prepared.

(iii) When a disinfectant solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before again being used.

(2) In case anthrax infection is found in the hog slaughtering department, an immediate preliminary disinfection shall extend from the head-dropper's station to the point where the disease is detected and the affected carcasses shall be cut down and removed from the room. Upon completion of the slaughtering of the lot of hogs of which the anthrax-infected animals were a part, slaughtering operations shall cease, and a thorough cleanup and disinfection shall be made, as provided in subparagraph (1) of this paragraph. If the slaughter of the lot has not been completed by the close of the day the clean-up and disinfection. shall not be deferred beyond the close of the day on which anthrax was detected.

(3) The first and indispensable precautionary step for persons who have handled anthrax material is thorough cleansing of the hands and arms with liquid soap and running hot water. It is important that this step be taken immediately after exposure, before vegetative anthrax organisms have had time to. form spores. In the cleansing, a brush or other appropriate appliance should be used to insure the removal of all contaminating material from under and about the fingernails. This process of cleansing is most effective when per-formed in repeated cycles of lathering and rinsing, rather than in spending the same amount of time in scrubbing with a single lathering. After the hands have been cleansed thoroughly and rinsed free of soap, they may, if desired, be immersed for about one minute in a 1:1,000 solution of bichloride of mercury, followed by thorough rinsing in clean running water. Supplies of bichloride of mercury for the purpose must be held in the custody of the inspector in charge. As a precautionary measure, all persons exposed to anthrax infection should report promptly any suspicious condition (sore or carbuncle) or symptom to a physician, in order that anti-anthrax serum or other treatment may be administered as indicated.

§ 260.10 Carcasses with skin or hide on, cleaning before ensceration. When a carcass is to be dressed with the skin or hide left on, the skin or hide shall be thoroughly washed and cleaned before any incision is made for the purpose of removing any part thereof or evisceration, except that where calves are slaughtered by the kosher method, the heads shall be removed from the carcasses before washing of the carcasses.

§ 260.11 Cleaning of hog carcasses before incising. All hair, scurf, and dirt, including all hoofs and claws, shall be removed from hog carcasses, and the carcasses thoroughly washed and cleaned before any incision is made for inspection or evisceration.

§ 260,12 Sternum to be split; abdominal and thoracic viscera to be removed. The sternum of each carcass shall be split and the abdominal and thoracic viscera removed at the time of slaughter in order to allow proper inspection.

§ 260.13 Carcasses or parts thereof not to be inflated; transferring caul or other fat. Carcasses or parts of carcasses shall not be inflated with air. Transferring the caul or other fat from a fat to a lean carcass is prohibited.

§ 260.14 Handling of bruised parts. When only a portion of a carcass is to be condemned on account of slight bruises, either the bruised portion shall be removed immediately and disposed of in accordance with Part 264 of this subchapter, or the carcass shall be promptly placed in a retaining room and kept until chilled and the bruised portion then removed and disposed of as provided above.

§ 260.15 Skins from diseased swine; removal from establishments; disinfection; separate compartments. The skins from swine condemned for tuberculosis or any disease communicable to man or other animal may be removed from the establishment, except as provided in § 260.9, for tanning or other industrial use; but they shall be removed for these uses only after they have been disinfected, as follows: Each skin shall be immersed for not less than five minutes in a 5 percent solution of liquor cresolis compositus, or a 5 percent solution of carbolic acid, or shall be otherwise treated as prescribed by the chief of division. The process of skinning and disinfecting shall be conducted in a specially prepared place approved by the inspector in charge, and under the supervision of a division employee.

§ 260.16 Hyperimmune swine bled before entering official establishments. Carcasses of hyperimmune swine which have been given the final bleeding at a serum plant under supervision of the Bureau of Animal Industry of the Department may be transferred to an official establishment for dressing and post. mortem inspection in accordance with the provisions of this part when authorized by the chief of the division. The transfer of such carcasses to the official establishment shall be made as promptly as possible and their delivery to the scalding vat shall be accomplished within one hour from the time bleeding is completed. The identity of the carcasses of hyperimmune swine shall be maintained in such manner as to positively identify them and to indicate the time of final bleeding. Procedures for maintaining this identity shall be such as will serve the purposes of the Virus-Serum Control Division of the Bureau of Animal Industry and the Meat Inspection Division, and shall be formulated by the inspectors in charge of the divisions involved. Each day that hyperimmune

swine are presented for post mortem inspection an ante mortem report FDA 402-1 (formerly MI 119-B) covering such swine shall be rendered by the inspector at the serum plant and furnished the inspector in charge of meat inspec-

§ 260.17 Inspection of cattle, calf and sheep lungs; hog lungs not to be saved as edible. (a) All cattle, calf and sheep lungs intended for food purposes shall be inspected to determine whether foreign matter is present in the air passages. The main bronchi and branches shall be slit by employees of the establishment as required by the inspector, and, if ingesta or other objectionable foreign matter has entered these passages, the lungs shall be condemned.

(b) Hog lungs shall not be saved as edible product.

§ 260.18 Inspection of mammary glands. (a) Lactating mammary glands and diseased mammary glands of cattle, sheep, swine, and goats shall be removed without opening the milk ducts of sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and o condemned.

(b) Cow udders may be saved for food purposes, provided suitable facilities for handling and inspecting them are provided.

(c) The inspection of udders from cows which have been kept for breeding purposes only shall consist of examination by palpation and, when necessary, by incision. The inspection of udders from cows which have been used for dairy purposes shall include slicing in sections about two inches in thickness. This slicing shall be done by establishment employees. The udders in the sliced condition shall be given a careful examination by division employees. The inspector will designate the udders which are to be sliced. When there is any doubt as to whether the udder is from a cow which has been used for breeding purposes only, then the udder shall be sliced and inspected as provided for udders from cows used for dairy purposes. Each udder shall be properly identified with its respective carcass and kept-separate and apart from other udders until its disposal has been determined, when it may be further handled as the conditions warrant.

(d) The udders from cows officially designated as "Bang's disease reactors" or as "mastitis elimination cows" shall not be utilized for edible purposes.

(e) Lactating mammary glands of swine intended for edible purposes shall be handled and inspected in the same manner as provided in paragraph (c) of this section for the udders of cows used for dairy purposes, except that the sliced sections shall be about one inch in thickness. Glands that are passed may be distributed as such but their use in meat food products is limited to the preparation of rendered pork fat.

PART 261-DISPOSAL OF DISPASED CARCASSES AND PARTS

Sec. 261.1 Disposal of diseased carcactes and parts; general.

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261.12 Malignant neoplasms; disposition of

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261.15 Abrasions, bruices, tumoro, aboresces, pus, etc.; disposition of carcasces and parts.

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CASSES. 261.23 Hogs affected with urticaria, tinea tonsurans, domodex folliculorum or erythema; disposition of carcasses.

261.24 Tapeworm cysts (cysticercus bovis); methods of inspecting for; carcasses and parts of cattle infected with; disposition of carcasses and parts; conditions under which re-frgeration permitted; calves excepted.

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Carcasses of young calves, pigs, kids 261.30 and lambs; when condemned.

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261.33 Livers affected with carotenosis; livers designated as "telenglecta-tic" "sawdust", or "spotted"; disposal.

§ 261.1 Disposal of diseased carcasses and parts; general. (a) The carcasses or parts of carcasses of all animals slaughtered at an official establishment and found at the time of slaughter or at any subsequent inspection to be affected with any of the diseases or conditions named in this part shall be disposed of according to the section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules covering every case and to designate at just what stage a process becomes loathsome or a disease noxious, the decision as to the disposal of all carcasses, parts, or organs not specifically covered in this subchapter shall be left to the inspector in charge.

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues properly prepared and packaged should be sent to one of the Bureau of Animal Industry pathological laboratories for examination.

§ 261.2 Tuberculosis; principles for guidance in passing on carcasses affected. The following principles are declared for guidance in passing on carcasses affected with tuberculosis:

(a) No meat should be passed for food if it contains tubercle bacilli, or if there is a reasonable possibility that it may contain tubercle bacilli, or if it is impregnated with toxic substance of tuberculosis or associated septic infections.

(b) Meat should not be destroyed if the lesions are localized and not numerous, if there is no evidence of distribution of tubercle bacilli through the blood or by other means to the muscles or to parts that may be eaten with the muscles, and if the animal is well nourished and in good condition, since in this case there is no proof, or even reason to suspect, that the flesh is unwholesome.

(c) Evidences of generalized tuberculosis are to be sought in such distribution and number of tuberculous lesions as can be explained only upon the supposition of the entrance of tubercle bacilli in considerable number into the systemic circulation. Significant of such generalization is the presence of numerous uniformly distributed tubercles throughout both lungs, also tubercles in the spleen, kidneys, bones, joints, and sexual glands, and in the lymph glands connected with these organs and parts, or in the splenic, renal, prescapular, popliteal, and ingunal glands, when several of these organs and parts are coincidentally affected.

o(d) Localized tuberculosis is tuberculosis limited to a single or several parts or organs of the body without evidence of recent invasion of numerous bacilli into the systemic circulation.

§ 261.3 Disposition when affected with tuberculosis. The carcasses of animals affected with tuberculosis shall be disposed of as follows:

(a) The entire carcass shall be condemned if any of the following conditions occur:

(1) When it was observed before the animal was killed that it was suffering with fever.

(2) When there is a tuberculous or other cachexia.

(3) When the lesions of tuberculosis are generalized, as shown by their presence not only at the usual seats of primary infection but also in parts of the carcass or in the organs that may be reached by the bacilli of tuberculosis only when they are carried in the systemic circulation. Tuberculous lesions in any two of the following-mentioned organs are to be accepted as evidence of generalization when they occur in addition to local tuberculous lesions in the digestive or respiratory tracts, including the lymph glands\_connected therewith: spleen, kidney, uterus, udder, ovary, testicle, adrenal gland, and brain or spinal cord or their membranes. Numerous tubercles uniformly distributed throughout both lungs also afford evidence of generalization.

(4) When the lesions of tuberculosis are found in the muscles or intermuscular tissue or bones or joints, or in the body lymph glands as a result of draining the muscles, bones, or joints.

(5) When the lesions are extensive in

one or both body cavities.

(6) When the lesions are multiple, acute, and actively progressive. (Evidence of active progress consists of signs of acute inflammation about the lesions, or liquefaction necrosis, or the presence of young tubercles.)

(b) An organ or a part of a carcass shall be condemned under any of the

following conditions:

(1) When it contains lesions of tuber-culosis.

(2) When the lesion is localized but immediately adjacent to the flesh as in the case of tuberculosis of the parietal pleura or peritoneum. In this case not only the membrane or part affected but also the adjacent thoracic or abdominal wall is to be condemned.

(3) When it has been contaminated by tuberculous material through contact with the floor or a soiled knife or other-

wise.

- (4) Heads showing lesions of tuberculosis shall be condemned, except that when a head is from a carcass passed for food or for cooking and the lesions are slight, or calcified, or encapsulated, and are confined to lymph glands in which not more than two glands are involved, the head may be passed for cooking after the diseased tissues have been removed and condemned.
- (5) An organ shall be condemned when the corresponding lymph gland is tuber-culous.
- (6) Intestines and mesenteries showing lesions of tuberculosis shall be condemned, except that when the lesions are slight and confined to the lymph glands and the carcass is passed without restriction, the intestines may be passed for use as casings and the fat passed for rendering after the corresponding lymph glands have been removed and condemned: Provided, That the fat and intestines have not been contaminated with tuberculous material.
- (c) Carcasses showing lesions of tuberculosis should be passed for food when the lesions are slight, localized, and calcified or encapsulated, or are limited to a

single or several parts or organs of the body (except as noted in paragraph (a) of this section) and there is no evidence of recent invasion of tubercle bacilli into the systemic circulation. Under this paragraph carcasses showing such lesions as the following examples may be passed, after the parts containing the lesions are removed and condemned in accordance with paragraph (b) of this section:

(1) In the cervical lymph glands and two groups of visceral lymph glands in a single body cavity, such as the cervical, bronchial, and mediastinal glands, or the cervical, hepatic, and mesenteric glands.

(2) In the cervical lymph glands and one group of visceral lymph glands and one organ in a single body cavity, such as the cervical and bronchial glands and lungs, or the cervical and hepatic glands and the liver.

(3) In two groups of visceral lymph glands and one organ in a single body cavity, such as the bronchial and mediastinal glands; and the lungs, or the hepatic and mesenteric glands and the liver.

(4) In two groups of visceral lymph glands in the thoracic cavity and one group in the abdominal cavity, or in one group of visceral lymph glands in the thoracic cavity and two groups in the abdominal cavity, such as the bronchial, mediastinal, and hepatic glands, or the bronchial, hepatic, and mesenteric glands.

(5) In the cervical lymph glands and one group of visceral lymph glands in each body cavity, such as the cervical,

bronchial, and hepatic glands.

(6) In the cervical lymph glands and one group of visceral lymph glands in each body cavity, together with the liver when the latter contains but few localized foci. In this class of carcasses, which will be chiefly those of hogs, the lesions of the liver are considered to be primary as the disease is practically always of alimentary origin.

(d) Carcasses which reveal lesions more severe or more numerous than those described for carcasses to be passed (paragraph (c) of this section) but not so severe nor so numerous as the lesions described for carcasses to be condemned (paragraph (a) of this section) may be rendered into lard, rendered pork fat, or tallow, or otherwise cooked in accordance with Part 265 of this subchapter, if the distribution of the lesions is such that all parts containing tuberculous lesions can be removed.

§ 261.4 Hog cholera; disposition of hog carcasses on account of. (a) The carcasses of all hogs affected with acute hog cholera shall be condemned.

(b) Inconclusive but suspicious symptoms of hog cholera observed during the ante mortem inspection shall be duly considered in connection with post mortem findings and when the carcass of such a "suspect" shows lesions in the kidneys and the lymph glands which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(c) Inasmuch as lesions resembling lesions of hog cholera occur in the kid-

neys and lymph glands of hogs not affected with hog cholera, carcasses of hogs in the kidneys or lymph glands of which appear any lesions resembling lesions of hog cholera shall be carefully further inspected for corroborative lesions. If on such further inspection the carcass shows such lesions in the kidneys or in the lymph glands or in both, accompanied by characteristic lesions in some organ or tissue, then all lesions shall be regarded as those of hog cholera and the carcass shall be condemned.

§ 261.5 Carcasses of swine injected with hog cholera virus. (a) Carcasses of swine, other than hyperimmune swine, if presented for inspection after 28 days following injection with hog cholera virus shall be given post-mortem inspection in conformity with this part without reference to the injected virus.

(b) Carcasses of hyperimmune swine if presented for inspection after 10 days following hyperimmunization shall be given post-mortem inspection in conformity with this part without reference

to the injected virus.

§ 261.6 Swine erysipelas. Carcasses affected with swine erysipelas which is acute or generalized, or which show systemic change, shall be condemned.

§ 261.7 Diamond-skin disease. Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic change may be passed for food after removal and condemnation of the affected parts, provided such carcasses are otherwise in good condition.

§ 261.8 Arthritis and polyarthritis.

(a) Carcasses affected with arthritis or polyarthritis when localized and not associated with systemic change may be passed for food after removal and condemnation of all affected parts, provided the carcasses are otherwise in good condition. Affected joints with corresponding lymph glands shall be removed and condemned. In order to avoid contamination of the meat which is passed a joint capsule shall not be opened until after the affected joint is removed.

(b) Carcasses affected with arthritis or polyarthritis characterized by the presence of periarticular abscesses which may or may not be connected with similar suppurative foci within the epiphyses of the bones shall be condemned in cases manifesting suppurative lesions in more than one joint. Otherwise, the condemnations shall be restricted to the affected parts, if such carcasses are otherwise in good condition.

§ 261.9 Cattle carcasses affected with anasarca or generalized edema. (a) Carcasses of cattle found on post-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

(b) Carcasses of cattle, including their detached parts and organs, found on post-mortem inspection to be affected with anasarca to a lesser extent than in paragraph (a) of this section may be passed for food after removal and condemnation of the affected tissues, provided the lesion is localized.

§ 261.10 Actinomycosis and actinobacillosis; disposition of carcasses and parts. (a) The definition of generalization as outlined for tuberculosis in § 261.3 (a) shall apply for actinomycosis and actinobacillosis, and carcasses of animals so affected shall be condemned.

(b) Carcasses of animals in a wellnourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed after the infected organs or parts have been removed and condemned, except as provided in paragraphs (c) and (d) of this\_ section.

(c) Heads affected with actinomycosis or actinobacillosis, including the tongue, shall be condemned, except that when the disease of the jaw is slight, strictly localized, and without suppuration, fistulous tracts, or lymph gland involvement, the tongue, if free from disease, may be passed, or, when the disease is slight and confined to the lymph glands, the head, including the tongue, may be passed after the affected glands have been removed and condemned.

(d) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph glands, the head may be passed after removal and condemnation of the tongue and corresponding lymph glands.

§ 261.11 Anaplasmosis, anthrax, bacillary hemoglobinuria in cattle, blackleg, hemorrhagic septicemia, icterohematuria ın sheep, malignant epizootic catarrh. piroplasmosis, pyemia, septicemia, unhealed vaccine lesions; carcasses affected with, to be condemned. Carcasses of animals affected with or showing lesions of any of the following-named diseases or conditions shall be condemned:

- (a) Anaplasmosis.
- (b) Anthrax.(c) Bacillary hemoglobinuria in cattle.
- (d) Blackleg.
- Hemorrhagic septicemia. (f) Icterohematuria in sheep (g) Malignant epizootic catarrh. (h) Piroplasmosis.
- (i) Pyemia. (j) Septicemia.
- (k) Unhealed vaccine lesions (vaccinia).

§ 261.12 Malignant neoplasms; disposition of organs, parts, or carcasses. Any individual organ or part of a carcass affected with a malignant neoplasm shall be condemned. In case the malignant neoplasm involves any internal organ to a marked extent, or affects the muscles, skeleton, or body lymph glands, even primarily, the carcass shall be condemned, except as provided in § 261.13. In case of metastasis to any other organ or part of a carcass, or if metastasis has not occurred but there are present secondary changes in the muscles (serious infiltration, flabbiness, or the like) the carcass shall be condemned. Carcasses of cattle affected with epithelioma of the eye shall be disposed of according to § 261.13.

§ 261.13 Epithelioma of the eye of cattle. (a) Carcasses of animals affected with epithelioma of the eye, of the orbital region, and/or of the corresponding parotid lymph gland shall be condemned in their entirety if one of the following three conditions exists:

(1) The affection has involved the osseous structures of the head with extensive infection, suppuration, and necrosis;

(2) There is metastasis from the eye, the orbital region, and/or the corresponding parotid lymph gland to other lymph glands, internal organs, muscles, skeleton, or other structures, regardless of the extent of the primary tumor; or

(3) The affection, regardless of extent, is associated with cachexia or evidence of absorption or secondary changes.

(b) Carcasses of animals affected with epithelioma of the eye, of the orbital region, and/or of the corresponding parotid lymph gland to a lesser extent than in paragraph (a) of this section may be passed for food after removal and condemnation of the head, including the tongue, provided the carcass is otherwise in good condition.

§ 261.14 Carcasses showing disease such as generalized melanosis, ctc., affecting the system to be condemned. Carcasses of animals showing any disease such as generalized melanosis, leukemia, pseudo-leukemia, lymphoma, and the like, which affects the system of the animal, shall be condemned.

§ 261.15 Abrasions, bruises, tumors, abscesses, pus, etc., disposition of car-casses and parts. All slight, well-lim-ited abrasions on the tongue and inner surface of the lips and mouth, when without lymph-gland involvement, shall be carefully excised, leaving only sound, normal tissue, which may be passed. Any organ or part of a carcass which is badly bruised or which is affected by a tumor, an abscess, or a suppurating sore, shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Parts of carcasses which are contaminated by pus shall be condemned.

§ 261.16 Brucellosis. Carcasses affected with localized lesions of brucellosis may be passed for food after the affected parts and removed and condemned.

§ 261.17 Carcasses so infected that consumption of the meat may cause food poisoning to be condemned. (a) All carcasses of animals so infected that consumption of the products thereof may give rise to food poisoning shall be con-This includes all carcasses demned. showing signs of:

(1) Acute inflammation of the lungs, pleura, pericardium, peritoneum, or

meninges.

(2) Septicemia or pyemia, whether puerperal, traumatic, or without any evident cause.

(3) Gangrenous or severe hemorrhagic enteritis or gastritis.

(4) Acute diffuse metritis or mam-

(5) Phiebitis of the umbilical veins.

(6) Septic or purulent traumatic pericarditis.

(7) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph glands, diffuse redness of the skin. cachexia, icteric discoloration of the car-

cass, or the like, either single or in combination.

(b) Implements contaminated by contact with carcasses affected with any of the diseased conditions mentioned in this section shall be thoroughly cleaned and disinfected as prescribed elsewhere in this sub-chapter. The equipment used in the dressing of such carcasses, such as viscera trucks, inspection tables, and the like, shall be disinfected with hot water having a minimum temperature of 180° F. Carcasses or parts of carcasses contaminated by contact with such diseased carcasses shall be condemned unless all contaminated tissues are removed within two hours.

§ 261.18 Necrobacillosis, pyemia, septicemia; disposition of carcasses. From the standpoint of meat inspection, necrobacillosis may be regarded as a local affection at the beginning, and carcasses in which the lessons are so localized may be passed for food if in a good state of nutrition, after removing and condemning those portions affected with necrotic lesions. On the other hand, when emaciation, cloudy swelling of the glandular organs, or enlargement and discoloration of the lymph glands are associated with the affection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass should therefore be condemned as both innutritious and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned in accordance with § 261.17.

§ 261.19 Caseous lymphadenitis; disposition of carcasses and parts. (a) A thin carcass showing well-marked lesions in the viscera and the skeletal lymph glands, or such a carcass showing extensive lesions in any part shall be condemned.

(b) A, thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere or showing wellmarked lesions in the skeletal lymph glands with only slight lesions elsewhere may be passed for cooking.

(c) A thin carcass showing only slight lesions in the skeletal lymph glands and in the viscera may be passed without restriction.

(d) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lessons elsewhere or showing well-marked lesions confined to the skeletal lymph glands with only slight lesions elsewhere may be passed without restriction.

(e) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph glands may be passed for cooking; but where the lessons in a well-nourished carcass are both numerous and extensive, it shall be condemned.

(f) All affected organs and glands of carcasses passed without restriction or passed for cooking shall be removed and condemned. The term "thin" as used in this section shall not be held applicable to a carcass which is anemic or emaci-

§ 261.20 Icterus; disposition of carcasses. Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication, shall be condemned. Carcasses affected with acteric-like discoloration, the result of conditions other than those before stated in this section, but which lose such discoloration on chilling, shall be passed for food, while those which do not so lose such discoloration may be passed for cooking. No carcass retained under this section may be passed for food unless the final inspection thereof is completed under natural light. Carcasses passed for cooking under this section shall not be processed other than by rendering.

§ 261.21 Urine or sexual odor disposition of carcasses. Carcasses which give off the odor of urine or a sexual odor shall be condemned. When the final inspection of such carcasses is deferred until they have been chilled, the disposal shall be determined by the heating test.

§ 261.22 Mange or scab; disposition of carcasses. Carcasses of animals affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

§ 261.23 Hogs affected with urticaria, tinea tonsurans, demodex folliculorum or erythema; disposition of carcasses. Carcasses of hogs affected with urticaria (nettle rash) tinea tonsurans, demodex folliculorum, or erythema may be passed after detaching and condemning the affected skin, if the carcass is otherwise fit for food.

§ 261.24 Tapeworm cysts (cysticercus bovis) methods of inspecting for carcasses and parts of cattle infested with. disposition of carcasses and parts; conditions under which refrigeration permitted, calves excepted—(a) Head. Prior to inspection the tongue shall be detached sufficiently from the head bones, by an employee of the establishment, to allow a proper inspection to be made of the internal muscles of mastication. These muscles shall be inspected after incising them in such manner as to split the muscles in a plane parallel with the lower jawbone. The masseter muscles also shall be incised, splitting the entire external layer between the outer and intermediate fasciae.

(b) Heart. The preparation and inspection of hearts shall conform to one of the following methods:

(1) The surface of the heart shall be examined, and a longitudinal incision made extending from base to apex through the wall of the left ventricle and the interventricular septum, after which the cut surfaces and the inner surfaces of the ventricles shall be examined.

(2) After the external surface of the heart has been inspected the organ shall be prepared for further inspection by an establishment employee severing its attachments and cutting through the interventricular septum and such other tissues as will permit him to evert the organ completely. The inspector shall

then examine the interior surfaces and make not more than four deep, lengthwise incisions into the muscles of the septum and left ventricular wall, unless the presence of cysts is suspected, when more incisions shall be made. Under this method care shall be taken not to cut completely through the walls of hearts to be passed without restriction. If necessary to maintain the identity of hearts, the establishment shall provide consecutively numbered tags and appropriately mark the carcasses and hearts.

(c) Final inspection of retained carcasses. The external and internal muscles of mastication, the heart, and the muscular portion of the diaphragm, including its pillars, should be carefully and thoroughly sliced to insure the finding of all cysts. Prior to the inspection of the diaphragm its peritoneum shall be removed. The tongue shall be carefully inspected by palpation, and if the presence of cysts in the muscles of the organ. is suspected, the tongue shall be thoroughly sliced and all parts closely examined for cysts. In addition to the foregoing, the exposed muscles and cut muscular surfaces of the split carcass shall be examined. Unnecessary mutilation of carcasses which may be passed shall be avoided.

(d) Carcasses of cattle (including the viscera) infested with tapeworm cysts known as cysticercus bovis shall be condemned if the infestation is excessive or if the meat is watery or discolored. Carcasses shall be considered excessively infested if incisions in various parts of the musculature expose on most of the cut surfaces two or more cysts within an area the size of the palm of the hand.

(e) A carcass in which infestation with cysticercus boys is limited to one dead and degenerated cyst may be passed for food after removal and condemnation of the cyst.

(f) Carcasses of cattle showing a slight or moderate infestation other than that indicated in paragraph (e) of this section but not so extensive as indicated in paragraph (d) of this section, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue, and of portions of the carcass rendered visible by the process of dressing, may be passed for food after removal and condemnation of the cysts, with the surrounding tissues: Provided, That the carcasses and parts, appropriately identified by retained tags, are held in cold storage at a temperature not higher than 15° F continuously for a period of not less than 10 days: And provided further, That the boned meat from such carcasses when in boxes, tierces, or like containers, appropriately identified by retained tags, is held at a temperature of not higher than 15° F continuously for a period of not less than 20 days. As an alternative to retention in cold storage as herein provided, such carcasses and parts may be heated throughout to a temperature of at least 140° F.

(g) Fats of carcasses passed for food or for refrigeration under the provisions of paragraph (f) of this section may be passed for food provided they are melted at a temperature of not less than 140° F [The edible viscera, ex-

cept the lungs and heart, of carcasses passed for food or for refrigeration under the provisions of paragraph (f) of this section may be passed for food without refrigeration or heating, provided they are found to be free from infestation upon final inspection. The intestines, weasands, and bladders from beef carcasses, affected with cysticercus bovis, which have been passed for food or for refrigeration may be used for casings after they have been subjected to the usual methods of preparation and may be passed for such purpose upon completion of the final inspection.

(h) The inspection for cysticercus bovis may be omitted in the case of calves under 6 weeks old. The routine inspection of calves over 6 weeks old for cysticercus bovis may be limited to a careful examination of the surface of the heart and such other surfaces as are rendered visible by the process of

dressing.

§ 261.25 Hogs affected with tapeworm cysts (cysticercus cellulosae), disposition. Carcasses of hogs affected with tapeworm cysts (cysticercus cellulosae) may be passed for cooking, but if the infestation is excessive the carcass shall be condemned.

§ 261.26 Disposal of carcasses, organs, and parts showing evidence of infestation with parasites not transmissible to man, sheep carcasses affected with tapeworm cysts; carcasses injected with gid bludder worms; organs and parts infested with hydatid cysts; liver's infested with flukes. (a) In the disposal of carcasses, edible organs, and parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the nonaffected portion of the carcass, organ, or part of the carcass may be passed for food after the removal and condemnation of the affected portions. If an organ or a part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part m any way unfit for food, the affected organ or part shall be condemned. If parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them is impracticable, no part of the carcass shall be passed for food. If the infestation is excessive the carcass shall be condemned. If the infestation is moderate the carcass may be passed for cooking, but in case such carcass is not cooked as required by Part 265 of this subchapter it shall be condemned.

(b) In the case of sheep carcasses affected with tapeworm cysts located in the muscles (cysticercus ovis, so-called sheep measles, not transmissible to man), the carcass may be passed after the removal and condemnation of the affected portions: Provided, however, Thatifupon the final inspection of sheep carcasses

retained on account of measles the total number of cysts found embedded in muscle or in immediate relation with muscular tissue, including the heart, exceeds five, this shall be taken to indicate that the cysts are so generally distributed and so numerous that their removal would be impracticable, and the entire carcass shall be condemned or passed for cooking, according to the degree of infestation. If not to exceed five cysts are found upon final inspection, the carcass may be passed after the removal and condemnation of the affected portions.

- (c) Carcasses of animals found infested with gid bladder worms (coenurus cerebralis, multiceps multiceps) may be passed after condemnation of the affected organ (brain or spinal cord)
- (d) Organs or parts of carcasses infested with hydatid cysts (echinococcus) shall be condemned.
- (e) Livers infested with flukes or fringed tapeworms shall be condemned.

§ 261.27 Emacated or anemic carcasses and those showing slimy fat degeneration or serous muscular infiltration. Carcasses of animals too emaclated or anemic to produce wholesome meat, and carcesses which show a slimy degeneration of the fat or a serous infiltration of the muscles, shall be condemned. Mere leanness should not be classed as emacation.

§ 261.28 Carcasses showing advanced pregnancy, etc., disposition. Carcasses of animals in advanced stages of pregnancy (showing signs of parturition) also carcasses of animals which have within 10 days given birth to young and in which there is no evidence of septic infection, may be passed for cooking and handled as provided in Part 265 of this subchapter; otherwise, they shall be condemned.

§ 261.29 Slaughter of injured animals at unusual hours. When it is necessary for humane reasons to slaughter an injured animal at night or on Sunday or a holiday when the inspector cannot be obtained, the carcass and all parts shall be kept for inspection, with the head and all viscera except the stomach, bladder, and intestines held by the natural attachments. If all parts are not so kept for inspection, the carcass shall be condemned. If on inspection of a carcass slaughtered in the absence of an inspector any lesion or condition is found indicating that the animal was sick or diseased, or if there is lacking evidence of the condition which rendered emergency slaughter necessary, the carcass shall be condemned.

§ 261.30 Carcasses of young calves, pigs, kids, and lambs; when condemned. Carcasses of young calves, pigs, kids, and lambs are unwholesome and shall be condemned if (a) the meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or (b) its color is grayish red; or (c) good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous

infiltrates or small edematous patches are sometimes present between the muscles; or (d) the tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow, or gray-ish-red, tough, and intermixed with islands of fat.

§ 261.31 Unborn and stillborn animals. All unborn and stillborn animals shall be condemned and no hide or skin thereof shall be removed from the carcass within a room in which edible products are handled.

§ 261.32 Condemnation of animals suffocated and hogs scalded alive. All animals which have been suffocated in any way and hogs which have entered the scalding vat alive shall be condemned.

§ 261.33 Livers affected with carotenosis; livers designated as "telangicctatic", "sawdust", or "spotted" disposal. (a) Livers affected with carotenosis shall be condemned.

(b) Cattle livers and calf livers showing the conditions sometimes designated as "telangiectatic", "sawdust", or "spotted" shall be disposed of as follows:

(1) When any or all of the conditions are extensive and involve one-half or more of an organ, the whole organ shall be condemned.

(2) When any or all of the conditions are slight in an organ, the whole organ shall be passed without restriction.

(3) When any or all of the conditions involve the whole organ, and are less severe than extensive, but more severe than slight, the whole organ shall be cooked.

(4) When any or all of the conditions are less severe than extensive, but more severe than slight in a portion of an organ, while in the remainder of the organ the conditions are slight the remainder shall be passed without restriction and the other portion shall be cooked.

(5) When any or all of the conditions are extensive and involve less than one-half of the organ, while in the remainder of the organ the conditions are slight, the remainder shall be passed without restriction and the other portion shall be condemned.

(6) When any or all of the conditions are extensive and involve less than one-half of the organ, while in any or all of the remainder of the organ the conditions are more severe than slight yet less severe than extensive, all of the remainder shall be cooked and the extensively involved portion shall be condemned.

(7) The division of an organ into but two parts as herein contemplated for disposition, shall be accomplished by one cut through the organ. This, of course, does not prohibit incisions which are necessary for inspection.

(c) Livers and parts of livers which are required to be cooked shall be held and cooked in the establishment where produced. They shall be cooked sufficiently to impart a cooked appearance throughout the liver. After cooking, the liver may be released for any purpose.

PART 262—CARCASSES OF ANIMALS SLAUGH-TERED WITHOUT ANTE-MORTEM INSPEC-

§ 262.1 Carcasses of animals slaughtered without ante-mortem inspection. No carcass of an animal slaughtered in the United States, which has not had ante-mortem inspection by a division employee shall be brought into an official establishment, except that carcasses of cattle, sheep, swine, and goats, slaughtered by a farmer on the farm, to which the head and all viscera other than the stomach, bladder, and intestines, are held by the natural attachments, may be received for inspection at official establishments where there is a veterinary inspector, upon the conditions prescribed in this section. After receipt in an official establishment, every such carcass shall be inspected and handled in the same manner as provided in this subchapter for carcasses of animals which are given ante-mortem inspection.

#### PART 263-TANK ROOMS AND TANKS

Sec.
263.1 Tanks, rooms, and equipment used for inedible products to be separate and apart from those used for edi-

ble products.

263.2 Suppression of odors in preparing inedible product.

263.3 Carcasses of animals condemned on ante-mortem inspection not to pass through compartments for edible products.

263.4 Dead animal carcasses.

263.5 Inedible fats from outside of establishments.

§ 263.1 Tanks, rooms, and equipment used for inedible products to be separate and apart from those used for edible products. All tanks and equipment used for rendering, preparing or storing inedible products shall be in rooms or compartments separate from those used for rendering, preparing or storing edible products. There shall be no connection between rooms or compartments containing inedible products and those containing edible products, except that there may be one connecting doorway between the slaughtering or viscera separating department and the tank charging room of the inedible products rendering department. Pipes and chutes installed in accordance with the requirements of the chief of division may be used to convey inedible and condemned material from edible product departments.to inedible product departments.

§ 263.2 Suppression of odors in preparing inedible product. Tanks, fertilizer driers, and other equipment used in the preparation of inedible product shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparation.

§ 263.3 Carcasses of animals condemned on ante-mortem inspection not to pass through compartments for edible products. In conveying to the inedible product tank carcasses of animals which have been condemned on ante-mortem inspection, they shall not be taken

through rooms or compartments in which product is prepared, handled, or stored.

§ 263.4 Dead animal carcasses. (a) With the exception of dead animals which have died en route and are received with animals for slaughter at an establishment, no dead animal may be brought on the premises of an establishment unless advance permission therefor is obtained from the chief of division.

(b) Under no circumstances shall the carcass of any animal which has died otherwise than by slaughter be brought into any room or compartment in which any product is prepared, handled or stored.

§ 263.5 Inedible fats from outside of establishments. Inedible fats from outsides the premises of an official establishment shall not be received except into the tank room provided for inedible products, and then only when their receipt into the tank room produces no insanitary condition on the premises, nor shall such fats be received in such volume as interferes with prompt disposal of inedible or condemned material produced at the establishment. When received, they shall not enter any room or compartment used for edible products.

PART 264—TANKING AND DENATURING CON-DEMNED CARCASSES AND PARTS

264.1 Condemned carcasses and product; disposing of, by tanking; sealing of tanks; denaturing of product.

264.2 Inedible rendered fats, in whole or in part from condemned product; denaturing; mineral oil for denaturing, specifications for, samples, etc.

264.3 Inedible rendered fats from product other than condemned.

264.4 Disposition of condemned meat or product at official establishments having no tanking facilities.

264.5 Specimens for educational purposes; permits for, required.

264.6 Livers condemned because of parasitic infestation and for other causes; conditions under which may be disposed of as fish feed.

Condemned carcasses and § 264.1 product; disposing of, by tanking; sealing of tanks; denaturing of product. (a) Condemned carcasses and products at official establishments having facilities for tanking shall be disposed of by tanking as follows: The lower opening of the tank shall first be sealed securely by a division employee, except when permanently connected with a blow line, then the condemned carcasses and products shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by such employee, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to destroy effectually the contents for food purposes.

(b) The seals of tanks shall be broken only by a division employee after the contents of the tanks have been treated as provided in paragraph (a) of this section. The rendered fat derived from condemned material shall be held until a division employee shall have had an opportunity to determine whether it con-

forms with the requirements of this section. Samples shall be taken by division employees as often as is necessary to determine whether the rendered fat is effectually denatured.

§ 264.2 Inedible rendered fats, in whole or in part from condemned product; denaturing; mineral oil for denaturing, specifications for samples, etc. (a) Rendered fat derived in whole or in part from condemned product shall be so denatured, either with low grade offal or approved mineral oil, as to destroy it effectually for food purposes. When low grade offal is used to denature rendered fat derived wholly or in part from condemned product the rendered fat shall be at least as dark in color as the division color guide. When mineral oil is used to denature rendered fat derived wholly or in part from condemned product disposed or by rendering in a steam tank, there shall be added to the contents of the tank before closing and sealing a quantity of approved mineral oil sufficient to make not less than one part in each 200 parts of the estimated yield of rendered fat. When mineral oil is used to denature rendered fat derived wholly or in part from condemned product disposed of by dry rendering, there shall be added to the contents of the dry renderer just before drawing off a quantity of approved mineral oil sufficient to make not less than one part in each 200 parts of the estimated yield of rendered fat; or a quantity of approved mineral oil sufficient to make not less than one part in each 200 parts of fat shall be added to and thoroughly mixed with the rendered fat while melted. In the latter case the rendered fat shall be held under division supervision until denaturing has been completed.

(b) The mineral oil used for denaturing shall have a boiling point not lower than 205 degree C. (401 degrees F.) a flash point (open cup) not lower than 75 degree C. (167 degrees F.) a specific gravity not lower than 0.819 (42 degrees B.) and must be easily recognizable by taste when present in fat in the proportion of one part of oil to 1,000 parts of fat.

(c) Four ounce samples shall be collected from all deliveries of mineral denaturing oil to official establishments and submitted to the district meat inspection laboratories to determine conformity with the requirements. Inspectors will not permit the use of any denaturing oil until approved by the laboratory.

§ 264.3 Inedible rendered fats from product other than condemned. Rendered inedible fat derived wholly from product other than condemned will not be required to be denatured unless it possesses the physical characteristics of color, odor, and taste of an edible product. Rendered inedible fat derived wholly from product other than condemned which possesses the physical characteristics of an edible product shall be so changed in character as to effectually distinguish it from edible product, denatured in accordance with § 264.2, or denatured as prescribed by the chief of division.

§ 264.4 Disposition of condemned meat or product at official establishments having no tanking facilities. (a) Any carcass or product condemned at an official establishment which has no facilities for tanking shall, be denatured with crude carbolic acid or other prescribed agent, or be destroyed by incineration, under the supervision of a division employee. When such carcass or product is not incinerated it shall be slashed freely with a knife, before the denaturing agent is applied.

(b) Carcasses and products condemned on account of anthrax, and the materials identified in § 260.9 of this subchapter which are derived therefrom at establishments which are not equipped with tanking facilities shall be disposed of by (1) complete incineration, or (2) by thorough denaturing with a prescribed denaturant, and then disposed of in accordance with the requirements of the particular state or municipal authorities, who shall be notified immediately by the inspector in charge.

§ 264.5 Specimens for educational purposes; permits for required. (a) Specimens of diseased, condemned, and medible materials, including pig or lamb embryos and specimens of animal parasites, may be released for educational purposes by the inspector in charge: Provided. That the party desiring such specimens makes a written application for same, stating the use to be made of them. If the application is satisfactory to the inspector in charge, he shall issue a permit authorizing the removal of the specimens. Such permits should be numbered and issued for not beyond the then current calendar year. And provided fur-ther That the applicant arranges with and receives permission from the official establishment to obtain the specimens.

(b) The collection and handling of the specimens referred to in paragraph (a) of this section shall be at such time and place and in such a manner as not to interfere with the inspection or to cause any objectionable condition.

§ 264.6 Livers condemned because of parasitic infestation and for other causes; conditions under which may be disposed of as fish feed. (a) Livers condemned on account of fluke infestation may be forwarded as fish feed provided the livers are first freely slashed and denatured by dipping in a hot solution containing one part of FD & C Green #3 or Methyl Violet in 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored, or in lieu of the dye solution, dry, finely powdered charcoal may be applied, and then frozen at a temperature not higher than 10° F for not less than 48 hours; or provided the livers are thoroughly cooked and then slashed and denatured as indicated above. It is essential that the livers be sufficiently denatured through discoloration by the dye or charcoal to preclude their use as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptacle held under division lock.

(b) Livers condemned on account of hydatids or fringed tapeworms may not be forwarded as fish feed unless thoroughly cooked, slashed, and denatured as indicated in paragraph (a) of this section.

(c) Livers condemned on account of parasites other than flukes, hydatids, or fringed tapeworms may be forwarded as fish feed without refrigeration or cooking after slashing and denaturing as indicated in paragraph (a) of this section.

(d) Livers condemned for telangiectasis, angioma, "sawdust" condition, cirrhosis, or other nonmalignant change, benign abscesses, or contamination, when these conditions are not associated with infectious disease in the carcasses, may be forwarded as fish feed without refrigeration or cooking: Provided, All tissue affected with abscesses is removed and destroyed within the establishment: And provided further That all livers are slashed and denatured as indicated in paragraph (a) of this section.

(e) Livers specified in the foregoing paragraphs shall be placed in containers plainly marked "fish feed-inedible" and when shipped in interstate commerce shall be certified as required by

§ 275.14 of this subchapter.

PART 265—Rendering Carcasses and Parts INTO LARD, RENDERED PORK FAT AND TALLOW, AND OTHER COOKING

Sec.

265.1 Carcasses and parts passed for cooking; rendering into lard, rendered pork fat, or tallow.

265.2 Carcasses and parts passed for cooking not rendered into lard, rendered pork fat or tallow; utilization of, for food purposes after cooking.

265.3 Disposal of product passed for cooking if not handled according to this part.

§ 265.1 Carcasses and parts passed for cooking; rendering into lard, rendered pork fat, or tallow. (a) Carcasses and parts passed for cooking may be rendered into lard, rendered pork fat, or tallow, provided such rendering is done in the following manner:

(1) When closed rendering equipment is used, the lower opening, except when permanently connected with a blow line, shall first be sealed securely by a division employee, then the carcasses or parts shall be placed in such equipment in his presence, after which the upper opening will be securely sealed by such employee. When the product passed for cooking in the tank does not consist of a carcass or whole primal part, the requirements for sealing shall be at the discretion of the inspector in charge. Such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard, rendered pork fat, or tallow, provided all parts of the product are heated to a temperature not lower than 170° F for a period of not less than 30 minutes.

(2) Establishments not equipped with closed rendering equipment for rendering carcasses and parts passed for cooking into lard, rendered pork fat, and tallow may render such carcasses or parts in open kettles under the direct supervision of a division employee. Such rendering shall be done during regular hours of work and in compliance with the requirements as to temperature and time specified in subparagraph (1) of this paragraph.

§ 265.2 Carcasses and parts passed for cooking not rendered into lard, rendered pork fat or tallow; utilization of, for food purposes after cooking. (a) Carcasses and parts passed for cooking may be used for the preparation of such products as canned meat, sausage, cooked or boiled meat, meat loaves, and similar products, provided all parts of such carcasses and parts which are so used are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes. either before being used in or during the preparation of the finished product.

(b) When product passed for cooking is used as an ingredient of a meat food product as contemplated in paragraph (a) of this section at least 50 per cent of the meat and meat byproduct ingredient shall consist of product passed for cook-This requirement shall not apply when the product passed for cooking has been previously cooked as specified in paragraph (a) of this section before being used as an ingredient of a meat food product.

§ 265.3 Disposal of product passed for cooking if not handled according to this part. Product passed for cooking, if not handled and processed under the provisions of this part, shall be disposed of in accordance with Part 264 of this subchapter.

#### PART 266-MARKING, BRANDING, AND IDENTIFYING PRODUCTS

Approval of abbreviations of marks of 266.1 inspection.

Preparation of marking devices bear-266.2 ing inspection legend without advance approval prohibited; exception.

266.3 Use of inspection legend prohibited except under supervision of division employee.

266.4 Brands and marking devices to be approved by chief of division; control of brands, etc.

266.5 Articles not to be removed from establishments unless marked in accord-

ance with regulations. 266.6 Marks of inspection to be carefully applied.

266.7 Branding ink to be furnished by establishment; approval by division, color.

266.8 Control and use of brands and marking devices furnished by division.

266.9 Brands and marking devices not to be false or misleading; style and size

of lettering.

266.10 Carcasses, primal parts, and products; marking with inspection legend.

266.11 Moving and handling of primal parts from one establishment to another. 266.12 Handling of products too small to be marked with brand.

266.13 Marking of meat food products in

casings.

266.14 Marking product with the list of ingredients. 266.15 Marking of shipping containers; do-mestic meat label.

Tank cars of edible products. 266.16 266,17 Transferring inspected and passed

product for export.

266.18 Denaturing of inedible grease, etc.;
marking "inedible"

§ 266.1 Approval of abbreviations of marks of inspection. The chief of division may approve and authorize the use of abbreviations of marks of inspection under the regulations in this subchapter.

Such abbreviations shall have the same force and effect as the respective marks for which they are authorized abbreviations.

§ 266.2 Preparation of marking devices bearing inspection legend without advance approval prohibited; exception. Except for the purpose of submitting a sample or samples of the same to the chief of division for approval, no person shall make or prepare, or cause to be made or prepared, labels, brands, or other marking devices bearing the inspection legend or any abbreviation. copy, or representation thereof, for use on any product, without the written authority therefor of the chief of division given in advance.

§ 266.3 Use of inspection legend prohibited except under supervision of division employee. (a) No person shall affix or place, or cause to be affixed or placed, the inspection legend, or any abbreviation, copy, or representation thereof, to or on any product, or container thereof, except under the supervision of a division employee.

(b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear, the inspection legend, or any abbreviation, copy, or representation thereof, except under the supervision

of a division employee.

§ 266.4 Brands and marking demces to be approved by chief of division; control of brands, etc. Official establishments shall furnish such ink brands, burning brands, and like devices for marking product as the chief of division may require. The mark of inspection on such a device shall be in the circular form as a facsimile of one of the official brands, using the size best suited for the purpose intended. In advance of manufacture, complete and accurate descriptions and designs of the same shall be submitted to and approved by the chief of division. Every such brand and device which bears the inspection legend shall be delivered into the custody of the inspector in charge of the establishment, and shall be used only under the supervision of a division employee. When not in use for marking inspected and passed product, all such brands and devices bearing the inspection legend shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of a division employee.

§ 266.5 Articles not to be removed from establishments unless marked in accordance with regulations. No person shall remove or cause to be removed from an official establishment any article which the regulations in this subchapter require to be marked in any way unless the same is clearly and legibly marked in compliance with the regulations in this subchapter.

§ 266.6 Marks of inspection to be carefully applied. All marks of inspection shall be carefully applied and securely affixed.

§ 266.7 Branding ink to be furnished by establishment; approval by division, color. (a) Official establishments shall furnish all ink for marking product. Such ink must be made with harmless ingredients that are approved for the purpose by the division. Samples of ink shall be submitted to the meat inspection laboratory from time to time as may be deemed necessary by the inspector in charge.

(1) Only purple ink approved for the purpose shall be used to apply ink brands bearing the marks of inspection to carcasses and fresh meat cuts derived therefrom.

(2) Ink brands bearing the marks of inspection used for purposes other than in subparagraph (1) of this paragraph may be applied with branding ink of any color and composition that will assure ready legibility and permanence of marking, except as provided in subparagraph (3) of this paragraph. The color of the ink shall provide acceptable contrast with the color of the product to which it is applied.

(3) Product shall not be marked with green ink except that, if desired by the establishment, such ink may be used for holiday markings and designs.

§ 266.8 Control and use of brands and marking devices furnished by division. All brands and devices furnished by the division for marking articles with the inspection legend, including self-locking seals, shall be used only under the supervision of a division employee, and, when not in use for marking, shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of a division employee.

§ 266.9 Brands and marking devices not to be false or misleading; style and size of lettering. No brand or device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression.

§ 266.10 Carcasses, primal parts, and products; marking with inspection legend. (a) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the inspection legend and with the number of the establishment.

(b) Except as provided otherwise in this part and in Part 275 of this subchapter, each primal part of a carcass, the beef cod fat and beef kidney fat, and each liver, beef tongue, and beef heart which has been inspected and passed shall be marked with the inspection legend and the number of the establishment before it leaves the establishment in which it is first inspected and passed, and each inspected and passed product susceptible of being marked shall be marked with the inspection legend and the number of the establishment where it was last processed: Provided, That skinned bacon intended for slicing need not be so marked if packed in properly marked containers. Additional marks of inspection may be applied as desired to meet local conditions.

(c) Beef livers shall be marked with the inspection legend and the establishment number on the convex surface of the thickest portion of the organ.

§ 266.11 Moving and handling of primal parts from one establishment to another Primal parts of carcasses which have been inspected and passed but do not bear the inspection legend may be transported from one official establishment to another official establishment. for further processing, in a car, truck, or other closed container, if the car, truck, or container be sealed with a division seal bearing the inspection legend in compliance with the regulations in this subchapter.

§ 266.12 Handling of products too small to be marked with brand. Any product of such character or so small that it cannot be marked with a brand. and which has been inspected and passed but does not bear the inspection legend. may be removed from an official establishment for local or interstate transportation in closed containers bearing the inspection legend and such other marks as are required by the regulations in this subchapter, or in open containers bearing the inspection legend applied by means of a domestic meat label or trade label: Provided, That upon removal from such closed or open containers the product may not be further transported in interstate or foreign commerce unless reinspected by a division employee and packed under his supervision in a container or containers bearing the inspection legend and such other marks as are required by the regulations in this subchapter: And provided further That unmarked product shall not be brought into an official establishment in an open container, except that which is returned to the establishment, and this must be held separate from other product pending removal from the establishment for disposal in intrastate trade only.

§ 266.13 Marking of meat food products in casing. (a) Inspected and passed sausage and other products in casings, of the ordinary "ring" variety or larger, shall be marked with the inspection legend and the number of the establishment. Inspected and passed sausage and other products in casings, of the smaller varieties, shall bear one or more inspection, marks to each chain or two or more of such marks to each bunch, except in cases where such smaller varieties of sausage and products leave establishments completely enclosed in properly labeled cartons or wrappers, having a capacity of 10 pounds or less and containing a single kind of product: Provided, That the mark of inspection need appear only twice throughout the contents of containers, exceeding a capacity of 10 pounds, of sausages of the smaller varieties shipped to another official establishment for further processing, or to a governmental agency. When such products are shipped to another official establishment for further processing, the inspector in charge at the point of origin shall identify the shipment to the inspector in charge at destination..

(b) Meat food products in casings, other than sausage, which possess the characteristics of or resemble sausage, shall bear on each link or piece the word "imitation" prominently displayed: Provided. That such products in casings as coppa, capocola, lachschinken, bacon. pork loins, pork shoulder butts, and like outs of meat which are prepared without added substances other than curing materials or condiments, and that meat rolls, bockwurst, and similar products in casings which do not contain cereal or vegetables, and that headcheese, souse, sulze, scrapple, blood pudding, and liver pudding in casings, need not be marked on the casing with the word "imitation" or the true name of the product, and that other products in casings such as loaves and chili con carne may bear on each link or piece the true name of the product in lieu of the word "imitation"

(c) When cereal, vegetable starch, starchy vegetable flour, dried milk, or dried skim milk is added to sausage within the limits prescribed under Part 268 of this subchapter, the product shall be marked with the name of each of such added ingredients, as, for example, "cereal added" "potato flour added", "cereal and potato flour added", "dried skim milk added" "cereal and dried skim milk added" and so forth, as the case may be. On sausage of the smaller varieties the marking prescribed in this paragraph may be limited to links bearing

the inspection legend.

(d) When product is placed in casings to which artificial coloring is applied, as permitted under this subchapter, the article shall be legibly and conspicuously marked by stamping or printing on the casing or securely affixing to the article the words "artificially colored" Pro-vided, That if the casing is removed from the product at the official establishment and there is evidence of artificial coloring on the surface of the product, the article from which the casing has been removed shall be marked by stamping directly thereon or by securely affixing thereto the printed words "artificially colored" Provided further, That when the casing is colored prior to its use as a covering for product, the coloring shall be of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive with respect to color, quality or kind of product enclosed therein, and the casing shall be marked with the words "casing colored" prominently displayed: And provided further That on sausage of the smaller varieties the marking prescribed in this paragraph may be limited to links bearing the inspection legend.

(e) A cloth bag, artificial casing, or similar container of sausage or product of a size larger than that customarily sold at retail intact shall be printed with the mark of inspection and such mark-ings as "casing colored", "artificially colored", "cereal added", "dried skim milk added" and "imitation", near each end of the article, so as to be clearly visible to the consumer: Provided, That such articles which are printed with a label in conformity with Part 267 need not, in addition, show markings other than the mark of inspection near each end.

(f) The markings indicated in paragraph (e) of this section shall be branded near each end of sausage or similar product prepared in animal casings when the article is of a size larger than that customarily sold at retail intact.

(g) When a preservative permitted under this subchapter is added to sausage or other meat food products in casings, the product shall be marked to show the presence and percentage of the added preservative.

(h) All markings may be omitted from sausage and other meat food products in casings when these articles are to be processed in sealed containers.

§ 266.14 Marking product with the list of ingredients. A product fabricated from two or more ingredients shall bear a list of the ingredients, giving the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as "spices" or "flavorings" and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as "flavorings" without naming each. The list of ingredients shall be applied legibly and securely to the product by means approved by the chief of division, such as stamping, printing, or the use of paper bands, tags, or tied-in paper or fabric flaps on stuffed sausage, or tissue strips on loaf-like articles: Provided, That product for which a definition and standard of identity has been prescribed under Part 278 of this subchapter which conforms to such definition and standard, and which bears the name specified in the definition and standard, together with such declaration of optional ingredients and other labeling features as are required by the applicable definition and standard, need not bear a list of ingredients: Provided further. That bockwurst and sausages of the smaller varieties, such as frankfurters and pork sausage, shall bear the list of ingredients at least once on each 2 pounds of product: Provided further That when such product is distributed from an official establishment in an immediate or true container of a type and size customarily sold at retail intact, the list of ingredients on the label of the package shall be sufficient: And provided further, That when sausages of the smaller varieties are shipped to another official establishment for further processing, or to a governmental agency, the list of ingredients need appear only twice throughout the contents of containers and when so shipped may be omitted from the contents of containers of 10-pound size or less. When such products are shipped to another official establishment for further processing, the inspector in charge at the point of origin shall identify the shipment to the inspector in charge at destination by means of Form FDA 408-1 (superseding MI-109-F)

§ 266.15 Marking of shipping containers; domestic meat label. (a) Except as provided in this part and Part 275 of this subchapter, when any inspected and passed product for domestic commerce is moved from an official establishment, the shipping container shall bear an approved mark of inspection, as prescribed in Part 267 of this subchapter, or an approved domestic meat label, whichever is appropriate. The domestic meat label shall be printed with black ink on white paper of good quality, shall be 23/4 by 4 inches in size, and shall be in form and substance as illustrated below, except that the name and address of the establishment, or the name only, may

also be printed on the label, at the bottom thereof:

#### DOMESTIC MEAT LABEL

#### ESTABLISHMENT 38

The meat or meat food product contained herein has been U.S. inspected and passed by Department of Agriculture.

#### SMITH, JONES & RANKIN NEW YORK, N. Y.

(b) When any inspected and passed product is moved from a place having market inspection, as provided under this subchapter, the shipping container shall bear such mark as is required by the chief of division.

(c) When any product prepared in an official establishment for domestic commerce has been inspected and passed and is enclosed in a cloth wrapping as a shipping container, such wrapping may bear, in lieu of the domestic meat label, the inspection legend and establishment number applied by the 21/2-inch rubber brand. The domestic meat label may also be omitted in those cases in which the inspection legend and establishment number on the articles themselves are clearly legible through the wrapping or the wrapping is labeled in accordance with Part 267 of this subchapter.

(d) The shipping or outside containers of products for export shall be marked in compliance with Part 274 of this subchapter.

§ 266.16 Tank cars of edible products. (a) Tank cars carrying inspected and passed product between official establishments shall be equipped for scaling and shall be securely sealed with seals bearing the inspection legend furnished by the division and affixed by division employees and shall be marked with the name of the product.

(b) Each tank car carrying inspected and passed product from an official establishment to any destination other than an official establishment shall bear a label containing the true name of the product, the inspection legend, the establishment number, and the words "date of loading" followed by a suitable space for the insertion of the date. The label shall be located conspicuously and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

§ 266.17 Transferring inspected and passed product for export. When inspected and passed products for export are transferred from tank cars to other containers on boats, such transfer shall be under division supervision, and the containers on the boats shall be labeled in the same manner as required by § 266.16 for tank cars.

§ 266.18 Denaturing of inedible grease, etc., marking "inedible" (a) Inedible grease, inedible tallow, or other

inedible animal fat, or mixture containing such fat, having the physical characteristics of an edible product shall be denatured or otherwise destroyed for food purposes. Containers of such inedible grease, medible tallow, or other inedible fat shall be marked conspicuously with the word "inedible" Such containers as tierces, barrels, and half barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background, and the word "inedible" marked thereon in letters not less than 2 inches high, while on tank cars the letters shall be not less than 4 inches high.

(b) Inspected rendered animal fat which for any reason it is desired to classify as inedible may be shipped interstate if handled as provided in paragraph (a) of this section for inedible fat having the physical characteristics of an

edible product.
(c) Uninspected non-exempt rendered animal fat, or mixtures containing such fat, having the physical characteristics

of an edible product may be shipped interstate if handled as provided in paragraph (a) of this section for medible fat having the physical characteristics of an

edible product.

Sec.

#### PART 267-LABELING

267.1 Labeling required: supervision by division employee.

267.2 Labels: What to contain, when and how used.

Labels to conform with definitions and standards of identity. 267.3

267.4 Labels to be approved by chief of division.

267.5 Inspector in charge to permit certain modifications of approved labels. 267.6

Approved labels to be used only on products to which they are applicable.

267.7 Product for foreign commerce; printing labels in foreign language permissible.

267.8 False or occeptive names: established trade names; false indication of origin or quality; use of names of countries, States, etc.; "farm"
"country" etc., qualified by word
"style" labeling of lard, oleo oil, oleo stearin, etc.

267.9 Labeling product prepared with artificial coloring, artificial flavoring, or preservative.

267.10 Reuse of inspection marks; reuse of containers bearing marks of inspection, labels, etc.; requirements

regarding.
267.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regula-

267.12 Relabeling product, requirements regarding

267.13 Distribution of labels bearing an inspection legend.

267.14 Rescindment of label approvals.

§ 267.1 Labeling required; supervision by division employee. (a) When, in an official establishment, any inspected and passed product is placed or packed in any can, pot, tin, canvas, or other receptacle or covering constituting an immediate or true container, there shall be affixed to such container or covering a label as hereinafter described in this part: Provided, That plain wrappings for fresh meat, such as dressed carcasses and primal parts thereof, which are used

solely to protect the product against soiling or excessive drying during transportation or storage need not bear a label: Prowded further That uncolored transparent covering, such as cellophane, which bear no printed or graphic matter and which enclose any unpackaged or packaged product bearing all required markings need not bear a label if the required markings are clearly legible through such coverings: And provided further That animal and transparent artificial casings bearing no marks or printed features other than those required under Part 266 of this subchapter need not bear additional labeling.

(b) Folders and similar coverings made of paper or like material, which do not completely enclose the product and which bear any printed word or statement, shall bear all features required on a label for an immediate or true container.

(c) No container or covering which bears or is to bear a label shall be filled, in whole or in part, except with product which has been inspected and passed in compliance with this subchapter, which is sound, healthful, wholesome, and fit for human food, and which is strictly in accordance with the statements on the label. No such container or covering shall be filled, in whole or in part, and no label shall be affixed thereto, except under the supervision of a division employee.

§ 267.2 Labels: What to contain, when and how used. (a) Labels within the meaning of this part shall include any printing, lithographing, embossing, or other marking on labels, stickers; seals, wrappers, or receptacles.

(b) Labels shall contain, prominently and informatively displayed, (1) the true name of the product; (2) the word "ingredients" followed by a list of the mgredients when the product is fabricated from two or more ingredients, except in case of products for which definitions and standards of identity have been prescribed under Part 278 of this subchapter: (3) the name and place of business of the manufacturer, packer, or distributor; (4) an accurate statement of the quantity of contents; and (5) ar inspection legend and the number of the establishment, in the form shown herewith,1 on that portion of the label featuring the name of the product, or, when there are two or more panels, then on the principal display panels: Provided, That the name and place of business of the manufacturer, packer, or distributor and the statement of the quantity of contents may be omitted from labels for product not required to be labeled under § 267.1. Provided further, That the establishment number may be omitted from the labels on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such articles are enclosed in wrappers which bear an inspection legend and establishment number; and from a label lithographed directly on a can bearing the embossed establishment number: And provided further That a

metal container on which an inspection legend is embossed may, with the approval of the chief of division, bear an inspection legend of different design and in abbreviated form.

(1) The name of a product shall be the common name, if any, and one which clearly and completely identifies the article. Product which has been prepared by salting, smoking, drying, cooking, chopping, and the like shall be so described on the label unless the name on the article implies, or the manner of packaging shows, that the product was subjected to such procedure or procedures. The unqualified terms "meat", "meat byproduct" "meat food product" and terms common to the meat industry but not to consumers such as "picnic" "butt" "cala" "square" "loaf" "spread" "delight" "roll", "plate" "luncheon" and "daisy" shall not be used as names of article unless accompanied with terms descriptive of the product or with a list of ingredients.

(2) The list of ingredients shall appear as part of or in addition to the true name of the product and shall show the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as "spices" or "flavorings" and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as "flavorings" without naming each. 'The name of an ingredient shall not be a collective name but shall be a specific name, as, for example, "beef" "pork" "beef tripe" "sheep livers" "pork snouts", "flour" "corn flour" "potato flour" "water", "dried skim milk" "tomato puree" and "beef broth". Provided, That when a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears in connection with the name of product, the ingredient statement need not make reference to the ingredients of such coating: And provided further That when the label bears the designation "compound" or "shortening" the term "animal and vegetable fats" or "vegetable and animal fats" may be employed to designate the ingredients of mixtures of such edible fats. "Anımal fats" as used herein means inspected and passed fat derived from cattle, sheep, swine, or goats.

(3) The name under which inspection is granted to an official establishment may appear without qualification on the label or the container of a product prepared by the official establishment so named. When product is not prepared by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such product, as for example, "Prepared for—"

(4) The statement of quantity shall represent in terms of avoirdupois weight or liquid measure the quantity of product in the package (exclusive of materials packed with it) except as provided for in \$267.7 When no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid, viscous, or a mixture of solid and liquid.

Unless the statement is so qualified as to show that it expresses the minimum quantity, it shall be taken to express the actual quantity. When the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted, and variations above the stated minimum shall be no greater than consistent with filling the container to the stated minimum in accordance with good commercial practice. When the statement expresses actual quantity, variations incident to packing in accordance with good commercial practice shall be allowed but the average shall not be less than the quantity stated: Provided, That packages of product having a capacity of less than 1/2 ounce avoirdupois or less than ½ fluid ounce shall not be required to be labeled with the statement of the quantity of contents.

(c) Stencils, box dies, inserts, tags, and like devices shall not bear an inspection legend or any abbreviation or representation thereof: Provided, That wooden boxes of light material, having a maximum capacity of 5 pounds and fiberboard containers may, upon approval by the chief of division, have an inspection legend and establishment number imprinted thereon.

(d) The establishment number shall be embossed on all sealed metal containers of inspected and passed product filled in an official establishment, except that such containers which bear labels lithographed directly on the can and in which the establishment number is incorporated need not have the establishment number embossed thereon. Labels shall not be affixed to containers so as to obscure the embossed establishment number.

(e) When any product is placed in a carton or in a wrapper of paper or cloth or in such other labeled container or covering as the chief of division may approve, an inspection legend and the establishment number, in form and substance as specified in paragraph (b) of this section, may be embodied on a sticker to be securely and prominently affixed, along with the name of product, at a place on the label reserved and designated for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to the principal panel or panels. The inspection sticker shall not be used without the approval of the chief of division and shall be affixed to the label under the supervision of a division employee.

§ 267.3 Labels to conform with definitions and standards of identity. When inspected and passed products are labeled with the names of, or are represented as, articles for which definitions and standards of identity have been prescribed under Part 278 of this subchapter, the labels shall conform to such definitions and standards.

§ 267.4 Labels to be approved by chief of division. (a) Except as provided in paragraph (d) of this section no label shall be used on any product until it has been approved in its final form by the chief of division. For the convenience

<sup>&</sup>lt;sup>1</sup>The legend consists of the words "U. S. inspected and passed by Department of Agriculture. Est. 38" printed within a circle.

of the establishment sketches or proofs of new labels may be submitted in triplicate through the inspector in charge to the division for approval and the preparation of finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate through the inspector in charge to the division for approval.

a(b) In case of lithographed labels, paper take-offs in lieu of sections of the metal containers shall be submitted for approval. Such paper take-offs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the kraft paper sheet, shall be submitted for approval in lieu of the complete con-

(c) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this section, except that inspectors in charge may permit use of such devices which contain no reference to product and bear no misleading feature.

(d) Stencils, labels, box dies, and brands may be used on shipping contamers, including tierces, barrels, drums, boxes, crates, and large-size fiberboard containers provided the markings are applicable to the product, are not false or deceptive, and are used with the approval of the inspector in charge.

§ 267.5 Inspector in charge to permit certain modifications of approved labels. The inspector in charge may permit the use of approved labels or other markings modified as follows provided the labeling or marking as modified is so used as not to be false or deceptive:

(a) When all features of the label or marking are proportionately enlarged and the color scheme remains the same.

(b) When changes are made in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb." for "pound" "oz." for "ounce" or the word "pound" or "ounce" is substituted for the abbreviation.

(c) When a master or stock label is approved from which the name and address of the distributor are omitted and such name and address are applied before being used. The words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval.

(d) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. The use of such designs will not make necessary the application of labeling not otherwise required.

(e) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product.

(f) When there is a change in the order of predominance of the ingredients on the label corresponding with a change in the formula used to prepare the product: Provided, That no new ingredients are added and none are omitted. Nothing in this paragraph shall be construed to modify any requirement of these regulations which provides either minimum or maximum limits for the use of certain ingredients.

§ 267.6 Approved labels to be used only on products to which they are applicable. Labels shall be used only on products for which they are approved. They shall not be applied to any product the container or covering of which bears any statement that is false or misleading or is so made, formed, or filled as to be deceptive or misleading.

§ 267.7 Product for foreign commerce; printing labels in foreign language permissible. Labels to be affixed to packages of product for foreign commerce may be printed in a foreign language and may show the statement of the quantity of contents in accordance with the usage of the country to which exported. Deviations from the form of labeling required under this subchapter may be approved by the chief of division: provided, (1) That the proposed labeling accords to the specifications of the foreign purchaser, (2) That it is not in conflict with the laws of the country to which it is intended for export, and (3) That the outside of the shipping package is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce all the requirements of this subchapter apply. The inspection legend and the establishment number shall in all cases appear in English but, in addition, may appear literally translated in a foreign language.

§ 267.8 False or deceptive names; established trade names; false indication of origin or quality; use of names of countries, States, etc.; "farm", "country", etc., qualified by word "style"; labeling of lard, oleo oil, oleo stearin, etc. (a) No product, and no container thereof, shall be labeled with any false or deceptive name, but established trade names which are usual to such articles and are not false or deceptive and which have been approved by the chief of division may be

(b) A label for product which is in imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients" and the names of the ingredients arranged in the order of their predominance.

(c) No statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality shall appear on any label. For example:

(1) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style" "type" or "brand", as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying

statement identifying the country, State, Territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of product identified with and peculiar to the locality represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or deceptive: Provided, That a geographical term which has come into general usage as a trade name and which has been approved by the chief of division as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter" "vienna" "bologna" "braunschweiger" "thuringer" "genoa" "berliner" "holstein" "goteborg" "milan" "polish", and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "boston" as applied to pork shoulder butts, need not be accompanied with the word "style" "type" or "brand" or a statement identifying the locality in which the product is prepared.

(2) Such terms as "farm" "country" and the like shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country Provided, Thatif the product is prepared in the same way as on the farm or in the country these terms, if qualified by the word "style" in the same size and style of lettering, may be used: Provided further, That the term "farm" may be used as part of a brand designation when qualifled by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style" and lard not rendered in an open kettle

or "country style"

(3) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not be considered to relieve any establishment from the requirement that its label shall not be misleading in any particular.

shall not be designated as "farm style"

(4) The term "spring lamb" or "gen-ulne spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

(5) Coverings shall not be of such color, design, or kind as to be misleading or deceptive with respect to color, quality, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or pork sausage shall not bear lines on other designs of red or other color which give a false impression of leanness of the product.

(6) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, or benzoate of soda or which has

been salted for preservation.

(7) The words "spice" "spices" and "spiced" without qualification, shall not be used unless they refer to genuine

natural spices.

(8) As used on labels of meat or product, the term "gelatin" shall mean (i) the jelly prepared in official establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (ii) dry commercial gelatin or the jelly resulting from its use.

(9) Product (other than canned product) labeled with the term "loaf" as its name or part of its name shall be prepared in loaf form with sufficient stability to withstand handling before being placed in a wrapper, casing, or the like.

(10) The term "baked" shall apply only to the product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall be heated to a temperature of at least 160° F and baked pork cuts shall be heated to an internal temperature of at least 170° F

(11) When product such as loaves is browned by dipping in hot edible oil or by a flame, its label shall state such fact, the words "Browned in Hot Cottonseed Oil" or "Browned by a Flame" as the case may be, appearing as part of the name of product.

(12) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be misleading or deceptive.

(13) The word "ham" without any prefix indicating the species of animal from which derived, shall be used on labels only in connection with pork hams. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

(14) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.

(15) Such terms as "meat extract" or "extract of beef" without qualification, shall not be used on labels in connection with products prepared from organs or parts of the carcass other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as, for example, "fluid extract of beef"

(16) When cereal, vegetable starch, starchy vegetable flour, dried milk, or dried skim milk is added to sausage within the limits prescribed under Part

268 of this subchapter, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredients, as, for example, "cereal added" "with cereal", "potato flour added" "cereal and potato flour added" "dried skim milk added" "cereal and dried skim milk added" as the case may be.

(17) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of product, as, for example, "frankfurts packed-in brine" "lamb tongue packed in vinegar" or "beef tongue packed in agar agar jelly" as the case may be. The statement of the quantity of contents shall represent the weight of the drained product when removed from the container to the exclusion of the packing substance.

(18) The term "lard" is applicable only to the fat rendered from fresh, clean, sound, fatty tissues from hogs in good health at the time of slaughter, with or without lard stearm or hydrogenated lard. The tissues do not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and the like, and are reasonably free from muscle tissue and blood.

(19) The term "leaf lard" is applicable only to lard prepared from fresh leaf fat.

(20) The term "rendered pork fat" is applicable to the fat other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs in good health at the time of slaughter, except that stomachs, bones from the head, and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hydrogenated lard and/or rendered pork fat stearin and/or hydrogenated rendered pork fat.

(21) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat" as the case may be.

(22) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170° F shall not be designated as "oleo oil" "oleo stearin" or "oleo stock" respectively.

(23) When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of product, the words "beef fat added" "mutton fat added" "oleo stearin added", "vegetable stearin added" or "hardened vegetable fat added" as the case may be.

(24) The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vege-

table oil" and "vegetable stearin" shall be applicable only to the oil and 'the stearin, respectively.

(25) No rendered edible animal fat or mixture of fats containing rendered edible animal fat other than oleomargarine and puff-pastry shortening, shall contain added water.

(26) Containers of edible rendered animal fats and mixtures of edible fats containing animal fats shall, before orommediately after filling, be legibly marked with the true name of the product.

(27) Product labeled "chili con carne" shall contain not less than 40 percent of meat, computed on the weight of the fresh meat. Hearts, cheek meat, head meat, or gullet meat may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label. The mixture may contain not more than 8 percent of cereal.

(28) Product labeled "chili con carne with beans" shall contain not less than 25 percent of meat, computed on the weight of the fresh meat. Hearts, cheek meat, head meat, or gullet meat may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label.

(29) Product labeled "hash" shall contain not less than 35 percent of meat and/or meat byproduct as the case may be. The basis of computation shall be the weight of the cooked and trimmed meat and/or meat byproduct.

. (30) Products labeled as meat stews, for example, "beef stew", "lamb stew", and the like, shall contain not less than 25 percent of meat computed on the weight of the fresh meat.

(31) Tamales shall contain not less than 25 percent of meat computed on the weight of the fresh meat in relation to the ingredients of the tamales to the exclusion of the ingredients of the gravy or sauce in which the tamales are packed. When tamales are packed in gravy or sauce, that constituent shall be declared prominently as part of the name of the product.

(32) Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar product, shall contain not less than 12 percent of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meat balls may be prepared with not more than 12 percent, singly or collectively, of farinaceous material, soya flour, dried skim milk, and the like.

(33) Spaghetti sauce with meat shall contain not less than 6 percent of meat computed on the weight of the fresh meat.

(34) Scrapple shall contain not less than 40 percent of meat and/or meat by-products computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

(35) Hamburger shall consist of chopped fresh beef, with or without the addition of beef fat as such and/or of seasoning, and shall not contain more than 30 percent of fat.

(36) Liver sausage, liver loaf, liver paste, liver cheese, liver pudding, and the like, shall contain not less than 30 percent of liver computed on the weight of the fresh liver.

§ 267.9 Labeling product prepared with artificial coloring, artificial flavoring, or preservative. Product which bears or contains any artificial coloring, artificial flavoring, or preservative shall bear labeling stating that fact.

(a) Artificial coloring of edible fats shall be declared on the label in a prominent manner and contiguous to the name of the product by the words "artificially

colored"

- (b) When product is placed in casings to which artificial coloring is applied, as permitted under this subchapter, there shall appear on the label in a prominent manner and contiguous to the name of the product the words "artificially colored, Provided, That if the casing is removed from the product at the establishment and there is evidence of the artificial coloring on the surface of the product, there shall appear on the label m a prominent manner and contiguous to the name of the product the words "artificially colored". And provided further That when the casing is colored prior to its use as a covering for product. there shall appear on the label in a promment manner and contiguous to the name of the product the words "casing colored"
- (c) When any artificial flavoring is permitted to be added to product there shall appear on the label in prominent letters and contiguous to the name of the product the words "artificially flavored", and the ingredient statement shall identify it as an artificial flavoring.

(d) When a preservative is added to product, as permitted under this subchapter, there shall appear on the label in prominent letters and contiguous to the name of the product a statement showing that fact and identifying the preservative and the percentage amount.

- (e) Containers of meat packed in borax or other preservative for export to a foreign country which permits the use of such preservative shall, at the time of packing, be marked "for export" followed on the next line by the words 'packed in preservative" or such equivalent statement as may be approved for this purpose by the chief of division, and directly beneath this there shall appear the word "establishment" or abbreviation thereof, followed by the number of the establishment at which the product is packed. The complete statement shall be applied in a conspicuous location and in letters not less than 1 inch in height.
- § 267.10 Reuse of inspection marks; reuse of containers bearing marks of inspection, labels, etc., requirements regarding. (a) No inspection legend which has been previously used shall be used again for the identification of any product, except as provided for in paragraph (b) of this section.
- (b) All stencils, marks, labels, or other devices on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any

product, unless such stencils, marks, labels, or devices correctly indicate the article to be packed therein and such containers are refilled under the supervision of a division employee.

§ 267.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations. (a) All labeling of product required to be inspected by division employees shall be in compliance with the regulations in this subchapter.

(b) No person shall apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an official establishment, or to any container thereof, except in compliance with the regulations in this subchapter.

(c) No person shall, in an official establishment, fill or cause to be filled, in whole or in part, any container with any product required by the regulations in this subchapter to bear a label, except in compliance with the regulations in this subchapter.

(d) No person shall remove or cause to be removed from an official establishment any product bearing a label unless such label be in compliance with the regulations in this subchapter.

§ 267.12 Relabeling product, requirements regarding. When it is claimed by an official establishment that some of its labeled product which has been transported to a location other than an official establishment, is in need of relabeling on account of the labels having become mutilated or otherwise damaged, the requests for relabeling the product shall be sent to the chief of division and accompanied with a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the chief of division. The relabeling of inspected and passed product with official labels shall be done under the supervision of an inspector of the division. The establishment shall reimburse the division, in accordance with regulations of the United States Department of Agriculture, for any cost involved in supervising the relabeling of such product.

§ 267.13 Distribution of labels bearing an inspection legend. Labels, wrappers, and cartons bearing an inspection legend with or without the establishment number may be transported from one official establishment to another provided such shipments are made with the permission and under the supervision of the inspector in charge at the station of origin, who will notify the inspector in charge at destination concerning the date of shipment of the labeling material and the character and quantity of the materials involved. No such material shall be used at the establishment to which it is shipped unless it conforms with the requirements of this subchapter.

§ 267.14 Rescindment of label approvals. Once a year, or oftener if necessary, each official establishment should submit to the chief of division, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied

with a statement that such approvals are no longer desired. The approvals shall be identified by the number, the date of approval, and the name of product or other designation showing the class of material.

PART 268—REINSPECTION AND PREPARATION OF PRODUCTS

Sec.
268.1 Reinspection of products; frozen products.

268.2 Tagging products "U. S. retained" on reinspection; disposition thereof.

268.3 Uncound product hearing inspection

268.3 Uncound product hearing inspection mark found outside of official establishments.

268.4 Product entering official establishment; identification as inspected and passed; disposition; shipping in commerce.

268.5 Designation of places of receipt of returned products for reinspection.

268.6 Processes to be supervised; containers, equipment, processes of manufacture to be clean and sanitary; substances to be clean and wholesome.

268.7 Use in preparation of meat food prodducts of chemicals, preservatives, coloring matter; addition of cereal, vegetable starch, dried skim milk, water, etc., substances necessary for refining.

268.8 Preservatives permitted in meat food products for export; handling; such product not to be used for domestic food purposes.

268.9 Samples of products, water, dyes, chemicals, etc., to be taken for examination.

269.10 Prescribed treatment of pork and products containing pork to destroy trichinae.

268.11 Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.

268.12 Preparation of dog food or similar uninospected article at official establishments; edible products department; inedible products department; denaturing.

268.13 Mixtures containing product but not amenable to Meat Inspection Act.

268.14 Contamination of product by fieed water, etc.; procedure for handling.

263.15 Glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products.

Reinspection of products; \$ 268.1 frozen products. (a) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by division employees as often as may be necessary in order to ascertain whether they are sound, heathful, wholesome, and fit for human food at the time they leave official establishments. If upon reinspection any article is found to have become unsound, unhealthful. unwholesome, or in any way unfit for human food, the original mark, stamp, or label thereon shall be removed or defaced and the article condemned: Provided, That:

(1) If an article becomes soiled or unclean by falling on the floor or in any other accidental way, it may be cleaned (including trimming, if necessary) and presented for reinspection.

(2) When an article is found to be affected by any unsound or unwholesome condition designated by the chief of division as being capable of rehandling by

approved methods for food purposes, the official establishment may be permitted to rehandle if necessary steps are immediately taken in a manner prescribed by Included are such conditions as articles found to have absorbed a foreign odor, to contain mold or similar substance, and rendered animal fats in which there is present tank water in first stages of sourness. If upon final inspection the article is found to be sound and wholesome it shall be passed for human food; otherwise it shall be condemned.

(b) Care shall be taken to see that products are in good condition when placed in freezers. In case there is any doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

(c) Attention should be given particularly to the first draw-off from the bottoms of tank cars where a tank-watersour condition is sometimes found.

§ 268.2 Tagging products "U. S. retained" on reinspection, disposition thereof. A "U. S. retained" tag shall be placed by a division employee at the time of reinspection on all products or the containers thereof which are suspected on reinspection at an official establishment or in the possession of such establishment of being unsound, unhealthful, unwholesome, or in any way unfit for human food. The employee who affixes the tag shall record the tag number and the kind and amount of the article retained. Such tag shall accompany such , article to the retaining room or other special-place for final inspection. When the final inspection is made, if the article is condemned, the original mark, stamp. or label thereon shall be removed or defaced and the inspector-shall stamp on or write across the face of the retained tag the phrase "U.S. inspected and condemned," and this tag shall accompany such article into the tank. The inspector shall make a complete record of the transaction and shall report his action to the inspector in charge. If, however, upon final inspection the article is passed for food, the inspector shall remove the retained tag, record the transaction, and report his action to the inspector in charge.

§ 268.3 Unsound product bearing inspection mark found outside of official establishments. Division employees shall inform local representatives of the Food and Drug Administration, or responsible state or municipal officials, and report to the chief of division regarding any product which bears, or the container of which bears, the inspection legend, discovered by them outside of official establishments, and which is unsound, unhealthful, unwholesome, or in any way unfit for human food.

§ 268.4 Product entering official establishments; identification as inspected and passed, disposition; shipping in commerce, (a) Except as provided in Part 262 of this subchapter, no product shall be brought into an official establishment unless it has been previously inspected and passed by a division employee, nor unless it can be identified by marks, seals, brands, or labels as having been so inspected and passed, nor, except as provided in Part 277 of this subchapter, if it has been processed elsewhere than in an official establishment. All products brought into an official establishment in compliance with the regulations in this subchapter shall be identified and reinspected at the time of receipt, and be subjected to further reinspection in such manner and at such times as may be deemed necessary. If upon such reinspection any article is found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, the original mark, stamp, or label shall be removed or defaced and the article condemned.

(b) Any product which has been inspected and passed under the regulations in this subchapter and which bears the inspection legend may be shipped in interstate or foreign commerce, provided it is sound, healthful, wholesome, and fit for human food and has not been processed, reprocessed, or changed elsewhere than in an official establishment in any manner so as to alter the character of the product.

§ 268.5 Designation of places of receipt of returned products for reinspection. Every official establishment shall designate, with the approval of the inspector in charge, a dock or place at which returned products shall be received, and such products shall be received only at such dock or place and shall be inspected there by a division employee before further entering the establishment.

§ 268.6 Processes to be supervised. containers, equipment, processes of manujacture to be clean and sanitary; substances to be clean and wholesome. (a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by division employees. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans, or containers of any kind, shall be used unless they are of such materials and construction as will not contaminate the product and are clean and sanitary. All steps in the processes of manufacture shall be conducted-carefully and with strict cleanliness in rooms or compartments separate from those used for medible products.

(1) All containers which are intended to be hermetically sealed shall be washed as required under § 268.11 immediately before filling, except that the hermetically sealed cans in which lard is shipped may be examined immediately before being filled and if found to be acceptably clean, need not be washed.

(2) Pumps, pipes, conductors, and fittings used to conduct milk, skim milk, cream, or mixtures of these in the manufacture of oleomargarine shall be of sanitary construction, with smooth inner and outer surfaces of noncorrosive material or coated with nickel, tin, or other approved material, readily demountable for cleaning, and shall be kept clean and sanitary.

(3) Equipment may be used interchangeably for the preparation of lard and rendered pork fat which are to be labeled as such. The chief of division may grant permission for the restricted dual use of such equipment for the prep-The pipes aration of other products. and equipment used for edible fats shall be so arranged that the identity of the product will be maintained until the product is properly labeled.

(4) The only animal casings that may be used as containers of product are those from cattle, sheep, swine, or goats.

(5) Casings for products shall be carefully inspected by division employees. Only those which have been carefully washed and thoroughly flushed with clean water immediately before stuffing, are suitable for containers, are clean, and are passed on such inspection, shall be used.

(6) Beef rounds, beef bungs, beef middles, beef bladders, hog bungs, hog middles, and hog stomachs which are to be used as containers of meat food product shall be presented for inspection turned with the fat surface exposed.

(7) Portions of casings which show infestation with Oesophagostomum or other nodule-producing parasite, and weasands infested with the larvae of Hypoderma lineatum, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

(8) The fermenting and sliming of hog and sheep casings shall be done only in compartments separate from those in which either edible or inedible products are handled.

(9) Hog and sheep casings intended for use as containers of product may be treated by soaking in or applying thereto sound, fresh pineapple juice or a sound solution containing fresh pineapple juice or papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(b All substances and ingredients used in the manufacture or preparation of any product shall be clean, sound, healthful, wholesome, and otherwise fit for human

food.

(1) On account of the invariable pressence of bone splinters, detached spinal cords shall not be used in the preparatom of edible product other than for rendering where they constitute a suitable raw material.

(2) Care shall be taken to remove bones and parts of bones from product which is intended for chopping.

(3) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned.

(4) Kidneys for use in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys detached with kidney fat, shall be inspected before being used in or shipped from the establishment.

- (5) Testicles if handled as an edible product may be shipped from the establishment as such, but they shall not be used as an ingredient of a meat food product.
- (6) Cattle paunches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcasses.

(7) Tonsils shall be removed and shall not be used as ingredients of meat food products.

- (8) Hog blood shall not be used as an ingredient of meat food product. No blood which comes in contact with the surface of the body of an animal or is otherwise contaminated shall be collected for food purposes. Only blood from animals the carcasses of which are inspected and passed may be used for
- not be performed with the hands. (9) No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment for use as an ingredient of human food or animal feed.

meat food products. The defibrination

of blood intended for food purposes shall

- (10) Intestines shall not be used as ingredients of meat food products.
- (11) Clotted blood shall be removed from hog hearts before they are shipped from the establishment or used in the preparation of a meat food product.
- § 268.7 Use in preparation of meat food products of chemicals, preservatives, coloring matter addition of cereal, vegetable starch, dried skim milk, water etc., substances necessary for refining. (a) No product shall contain any substance which impairs its wholesomeness or which is not approved by the chiefof division.
- (b) There may be adoed to products, with appropriate declaration as reguired under Parts 266 and 267 of this subchapter, common salt, sugar (sucrose) refined corn sugar (dextrose), wood smoke, a vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate (saltpeter) and potassium nitrite.
- (c) Benzoate of soda and benzoic acid may be added to product, with appropriate declaration as required under Parts 266 and 267 of this subchapter.
- (d) With appropriate declaration, as provided in Part 267 of this subchapter, the following preservatives may be added, in the amounts indicated, to rendered animal fat or a combination of such fat and vegetable fat:
- (1) Resin guaiac not to exceed 1/10 of 1 percent.
- (2) Nordihydroguaiaretic acid not to exceed 1/100 of 1 percent.
- (3) Tocopherols not to exceed 300 of 1 percent. (A 30-percent concentration of tocopherols in vegetable oils shall be used when added as a preservative to products designated as "lard" or "rendered pork fat".)
- (4) Lecithin, Provided, That nothing in this paragraph shall prevent the use of this substance as an emulsifier in oleomargarine and puff pastry shortening.

- (e) To facilitate chopping and/or to dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat and meat loaf; however, the total amount of water used shall not exceed 3 percent of the ingredients going into the preparation of the product and its presence shall be declared as required under Parts 266 and 267 of this subchapter.
- (f) Except as otherwise provided, sausage shall be prepared with meat, or meat and meat byproduct, seasoned with condimental proportions of condimental substances.
- (g) Under appropriate declaration, as required in Parts 266 and 267 of this subchapter, sausage may contain not more than 3½ percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, dried milk, or dried skim milk.
- (h) For the purpose of facilitating chopping and mixing, and under appropriate declaration as required under Parts 266 and 267 of this subchapter, water or ice may be used in the preparation of sausage which is not cooked, in an amount not to exceed 3 percent of the total ingredients used. Sausage of the kind which is cooked, such as frankfurter, vienna, and bologna, may contain not more than 10 percent of added water or moisture.
- (i) Bicarbonate of soda, caustic soda, diatomaceous earth, fuller's earth, carbon, agents used exclusively as catalyzers, such as nickel preparations, and such other substances as may be approved by the chief of division may be used in the preparation of rendered fats: Provided. That they are eliminated during the process of manufacture.
- (j) Caustic soda, sodium carbonate (soda ash or sal soda) triscdium phosphate, or sodium metasilicate, or a combination of these substances, or lime, or a combination of lime and sedium carbonate, and/or a solution of hydrogen peroxide, may be used in the prepara-tion of tripe: Provided, That immediately following the treatment the tripe is thoroughly washed with clear water and the added substances removed.
- (k) The use of sodium nitrite, potassium nitrite, sodium nitrate or potassium nitrate, or combinations of nitrite and nitrate, shall not result in the presence of more than 200 parts per million of nitrite in the finished product. Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly. The maximum amounts of sodium nitrite and/or potassium nitrite which may be used are as follows:
  - (1) 2 pounds in 100 gallons of pickle.
- (2) 1 ounce for each 100 pounds of meat in dry salt, dry cure, or box cure. (3) ¼ ounce in 100 pounds of chopped
- meat and/or meat byproducts.
- (I) Harmless synthetic flavoring may be added to products for which they are approved by the chief of division, and declared as "artificial flavoring", as required under Parts 266 and 267 of this subchapter.

(m) Pork for use in fresh pork sausage shall not contain more than 50 percent of trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting.

(n) Coloring matter and dyes which are approved by the chief of division when declared as required under Parts 266 and 267 of this subchapter may be mixed with rendered fats, applied to ammal and artificial casings, and applied to such casings enclosing product, provided that there is no penetration of the coloring matter or dye into the product. The presence of a visible ring of dyed product appearing around the periphery of the cut surface is evidence of penetra-

The following coloring maters and dyes are acceptable:

(1) The natural coloring matters alkanet, annatto, carotene, cochineal, green chlorophyl, saffron, and tumeric.

(2) Coal-tar dyes as follows, subject also to certification by the manufacturer and the furnishing of authoritative evidence to the inspector in charge that the dyes have been certified under the Federal Food, Drug, and Cosmetic Act for use in connection with foods:

Name Former name
FD&C Blue No. 1 Brilliant Blue FCP
FD&C Blue No. 2 Indigotine
FD&C Green No. 1 Guinea Green B
FD&C Green No. 2 Light Green SF
Yellowish
FD&C Green No.3 Fast Green FCF
FD&C Orange No. 1 Orange 1
FD&C Orange No. 2 Orange SS
FD&C Red No. 1 Ponceau 3R
FD&C Red No. 2 Amaranth
FD&C Red No.3 Erythresine
FD&C Red No. 4 Ponceau SX
FD&C Red No. 32 Oil Red XO
FD&C Yellow No. 1 Naphthol Yellow S
FD&C Yellow No. 2 Napthol Yellow S-
Potassium Salt
FD&C Yellow No. 3 Yellow AB
FD&C Yellow No. 4 Yellow OB
FD&C Yellow No 5 Tartrazine
FD&C Yellow No. 6 Sunset Yellow FCF
<b></b>

(3) Mixture of two or more dyes mentioned in subparagraphs (1) and (2), of this paragraph, or a mixture of one or more of the dyes with harmless inert materials, such as common salt or sugar.

(o) Ham fat may be added to ham meat in the preparation of deviled ham provided the finished product does not contain more than 35 percent of fat. The moisture content of deviled ham shall not exceed that of fresh unprocessed ham.

§ 268.8 Preservatives permitted in meat food products for export; handling; such product not to be used for domestic food purposes. (a) When no substance is used in the preparation or packing of products for export which, either in kind or in proportion, conflicts with the laws of the foreign country to which such products are to be exported, and the foreign purchaser so directs in writing, products for export to such foreign country may contain preservatives in accordance with such direction. Such products shall be prepared and packed in compartments of the establishment separate and apart from the compartments in which any product is prepared or packed for domestic use or consumption, except as permitted by paragraphs (b)

and (i) of this section and shall be kept separate.

- (b) The packing of articles which are prepared, as provided for in paragraph (a) of this section, with any preservatives not permitted by § 268.7 may be done in the regular packing room, provided no other product be allowed in the packing room during the time of such packing, except as provided in paragraph (i) of this section. After the packing is completed, the packing room shall be thoroughly cleansed of the preservative before the packing of other articles therein is resumed. A separate room or compartment constructed of tight partitions or walls shall be set apart for storing the preservatives, trays, and other appliances used in connection with the packing. This room or compartment shall be held under a lock furnished by the department, the key of which shall not leave the custody of a division employee.
- (c) The packing of all articles under paragraphs (a) and (b) of this section shall be conducted under the personal supervision of a division employee.
- (d) No article prepared or packed for export under paragraph (a) or (b) shall be sold or offered for sale for domestic use or consumption, but unless exported shall be destroyed for food purposes under the personal supervision of a division employee.
- (e) The contents of the container of any article prepared or packed for export under paragraph (a) or (b) of this section shall not be removed, in whole or in part, prior to exportation, except under the supervision of a division employee. If such contents be removed prior to exportation, then the article shall be either repacked, in accordance with the provisions of paragraph (a) or (b) and paragraph (c) of this section, or destroyed for food purposes under the personal supervision of a division employee.
- (f) Permission must be obtained from the chief of division before meats packed in borax are shipped from one official establishment to another or to an unofficial establishment for storage; except such meat prepared for the account of Federal agencies.
- (g) At all times, the identity of meat to which borax has been added shall be effectively maintained. In no case shall such meat, nor any trimmings or fat derived from such meat, whether unwashed or washed, or otherwise treated, be diverted to domestic use.
- (h) Salt used for bulking meat previously packed in borax may not again be used in an edible products department other than in connection with the packing of meat in borax. If available, only metal equipment should be used for handling such meat. Particularly effective cleansing will be required if wooden equipment, such as trucks, washing vats, etc., is used. Boxes from which boraxed meat has been removed may be used for repacking meat in borax, but their use as containers for other meat will be dependent upon the effective removal of all traces of borax.
- (i) The following instructions pertain to export cured pork packed in borax for the account of Federal agencies:

- (1) The meat may be packed in borax in a room in which there is boraxfree meat, provided proper care is taken to see that the borax-free meat is not affected by the borax. Under the same condition meat packed in borax may be received, unpacked, defrosted, soaked, washed, smoked, and repacked in a room where there is other meat. However, meat originally packed in borax shall at all times be subject to the restrictions of meat so packed, even though repacked without borax. After packing or repacking, borax meat may be stored in a room with meat not packed in borax, provided a reasonable degree of separation is maintained between the two classes of product.
- § 268.9 Samples of products, water, dyes, chemicals, etc., to be taken for examination. Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any official or exempted establishment shall be taken, without cost to the division, for examination, as often as may be deemed necessary for the efficient conduct of the inspection.
- § 268.10 Prescribed treatment of pork and products containing pork to destroy trichnine. (a) All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as hams, shoulders, shoulder piccus, bacon, and jowls, which are subjected only to curing or to smoking at temperatures that do not impart to the meat the appearance of being cooked, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer, Therefore, the treatment of such products for the destruction of trichnine is not required.
- (b) Products containing pork muscle tissue (including hearts) or the pork muscle tissue which forms an ingredient of such products, including, or of the character of, those hereinafter named, are classed as articles which shall be effectively heated, refrigerated, or cured at a Federally-inspected establishment to destroy any possible live trichinae: Bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; cooked loaves, roasted, baked, boiled or cooked ham: pork shoulder, or pork shoulder picnic; Italian-style ham; Westphalia-style ham; cured meat rolls; capocollo (capicola, capacola), coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed: cured boneless pork loin; boneless back bacon (Canadian-style bacon) pork cuts such as hams, shoulders, picnics and butts which are subjected to smoking at sufficiently high temperatures to impart a partially cooked appearance to the meat (ordinarily, such cuts fall in this class when heated to an internal temperature above 120° F.)
- (c) The treatment shall consist of heating, refrigerating, or curing, as follows:
- (1) Heating. All parts of the pork muscle tissue shall be heated to a tem-

perature not lower than 137° F., and the method used shall be one known to insure such a result. On account of differences in methods of heating and in weights of products undergoing treatment it is impracticable to specify details of procedures for all cases.

Procedures which insure the proper heating of all parts of the product shall be adopted. It is important that each piece of sausage, each ham, and other product treated by heating in water be kept entirely submerged throughout the heating period; and that the largest pieces in a lot, the innermost links of bunched sausage or other massed articles, and pieces placed in the coolest part of a heating cabinet or compartment or vat be included in the temperature tests.

(2) Refrigerating. At any stage of preparation and after preparatory chilling to a temperature of not above 40° F or preparatory freezing, all parts of the muscle tissue of pork or product containing such tissue shall be subjected continuously to a temperature not higher than one of those specified in Table 1, the duration of such refrigeration at the specified temperature being dependent on the thickness of the meat or inside dimensions of the container.

TABLE 1—REQUIRED PERIOD OF FREEZING AT TEM-PERATURE INDICATED

Temperature	Group 1	Group 2
** F. 5 -10 -20	Days 20 10 6	Days 30 20 12

Group 1 comprises product in separate pieces not exceeding 6 inches in thickness, or arranged on separate racks with the layers not exceeding 6 inches in depth, or stored in crates or open boxes not exceeding 6 inches in depth, or stored as solidly frozen blocks not exceeding 6 inches in thickness.

Group 2 comprises products in pieces, layers or within open containers the thickness of which exceeds 6 inches but not 27 inches, and product in closed containers including tierces, barrels, kegs, and cartons having a thickness not exceeding 27 inches.

The product undergoing such refrigeration or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels, and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5° F., -10° F., or -20° F., as the case may be.

During the period of refrigeration the product or lot thereof shall be kept separate from other products and in the custody of the division. Rooms or compartments equipped for being made secure with division lock or seal shall be provided. The room or compartment containing product undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After the prescribed freezing has been finished, the product

shall be kept under close supervision of an inspector until it is prepared in final form or until it is transferred under division control to another establishment for preparation in finished form.

Pork which has been refrigerated as herein specified may be transferred in sealed railroad cars, sealed motortrucks, sealed wagons, or sealed closed containers to another official establishment at the same or another station for use in the preparation of products of a kind customarily eaten without cooking by the consumer. The sealing of closed containers, such as boxes and slack barrels, shall be effected by cording and affixing thereto division seals, and such containers as tierces and kegs shall be held in division custody by sealing with wax impressed with a metal division brand. Railroad cars, motortrucks, and wagons shall, when necessary, be sealed with division car seals. Properly sealed and marked closed containers may be shipped, with other meat, in unsealed railroad cars, motortrucks, and wagons. Containers such as boxes, barrels, and tierces shall be plainly and conspicuously marked with a label or stencil furnished by the establishment, as follows: "Pork product \_\_\_\_ degree F. \_\_\_\_ days' refrig-eration," indicating the temperature at which the product was refrigerated and length of time so treated. For each consignment there shall be promptly issued and fowarded to the inspector in charge at destination a report on Form FDA 408-1 (superseding MI 109-F) appropriately modified to show the character of the containers and that the contents are "Pork product \_\_\_\_ degrees F. \_\_\_ days' refrigeration." A duplicate copy should be forwarded to the Washington office of the division.

(3) Curing—(i) Sausage. Sausage may be stuffed in animal casings, hydrocellulose casings, or cloth bags. During any stage of treating the sausage for the destruction of live trichinae, these coverings shall not be coated with paraffin or like substance, nor shall any sausage be washed during any prescribed period of drying. In the preparation of sausage, any one of the following methods may be used:

Method No. 1. The meat shall be ground or chopped into pieces not exceeding threefourths of an inch in diameter. A dry-curing mixture containing not less than 31/2 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be held in a drying room not less than 20 days at a temperature not lower than 45° F., except that in sausage of the variety known as pepperoni, if in casings not exceeding 1% inches in diameter measured at the time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drying room in less than 25 days from the time the curing materials are added, except that sausage of the variety known as pepperoni, if in casings not ex-ceeding the size specified, may be released at the expiration of 20 days from the time the curing materials are added. Sausage in casings exceeding 31/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower

than 45° F., and in no case shall the sausage be released from the drying room in less than 40 days from the time the curing materials are added to the meat.

Method No. 2. The meat shall be ground or chopped into pieces not exceeding threefourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, the sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80° F., and finally held in a drying room not less than 10 days at a temperature not lower than 45° F. In no case, however, shall the sausage be released from the drying room in less than 18 days from the time the curing materials are added to the meat. Sausage exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room, following smoking as above indicated, not less than 25 days at a temperature not lower than 45° F. and in no case shall the sausage be released from the drying room in less than 33 days from the time the curing materials are added to the meat.

Method No. 3. The meat shall be ground or chopped into pieces not exceeding threefourths of an inch in diameter. A dry-curing mixture containing not less than 31/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped meat shall be held at a temperature not lower than 34° F. for not less than 36 hours. After being stuffed the sausage shall be held at a temperature not lower than 34° F. for an additional period of time sufficient to make a total of not less than 144 hours from the time the curing materials are added to the meat, or the saurage shall be held for the time specified in a pickle-curing medium of not less than 50° strength (calometer reading) at a temperature not lower than 44° F. Finally, the sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be smoked for not less than 12 hours. The temperature of the smokehouse during this period at no time shall be lower than 90° F.; and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 123° F. Sausage exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing shall be smoked. following the prescribed curing, for not less than 15 hours. The temperature of the smokehouse during the 15-hour period shall at no time be lower than 90° F., and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128° F. shall be attained gradually during a period of not less than 4 hours.

Method No. 2. The meat shall be ground or chopped into pieces not exceeding one-fourth of an inch in diameter. A dry-curing mixture containing not less than 2½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped sausage shall be held as a compact mass, not more than 6 inches in depth, at a temperature not lower than 36° F. for not less than 10 days. At the termination of the holding period, the sausage shall be stuffed in casings or cloth bags not exceeding 3½ inches in diameter, measured at the time of stuffing. After being stuffed, the sausage shall be held in a drying room at a temperature not lower than 45° F. for the remainder

of a 35-day period, measured from the time the curing materials are added to the meat. At any time after stuffing, if a concern deems it desirable, the product may be heated in a water bath for a period not to exceed 3 hours at a temperature not lower than 85° F., or subjected to smoking at a temperature not lower than 80° P., or the product may be both heated and smoked as specified. The time consumed in heating and smoking, however, shall be in addition to the 35-day holding period specified.

(ii) Capocollo (capicola, capacola) Boneless pork butts for capocollo shall be cured in a dry-curing mixture containing not less than 4½ pounds of salt per hundredweight of meat for a period of not less than 25 days at a temperature not lower than 36° F. If the curing materials are applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be smoked for a period of not less than 30 hours at a temperature not lower than 80° F., and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(iii) Coppa. Boneless pork butts for coppa shall be cured in a dry-curing mixture containing not less than 4½ pounds of salt per hundredweight of meat for a period of not less than 18 days at a temperature not lower than 36° F. If the curing mixture is applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat. except that superficial washing may be allowed. After being stuffed, the product shall be held in a drying room not less than 35 days at a temperature not lower than 45° F.

(iv) Hams. In the curing of hams either of the following methods may be used:

Method No. 1. The hams shall be cured by a dry-salt curing process not less than 40 days at a temperature not lower than 36° The hams shall be laid down in salt, not less than 4 pounds to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. When placed in cure the hams may be pumped with pickle if desired. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from cure the hams may be scaked in water at a temperature not higher than 70° F. for not more than 15 hours, during which time the water may be changed once; but they shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall finally be dried or smoked not less than 10 days at a temperature not lower than 95° P.

Method No. 2. The hams shall be cured by a dry-salt curing process at a temperature not lower than 36° F. for a period of not less than 3 days for each pound of weight (green) of the individual hams. The time of cure of each lot of hams placed in cure should be calculated on a basis of the weight of the heaviest ham of the lot. Hams cured by this method, before they are placed in cure, shall be pumped with pickle solution of not less than 100° strength (salometer), about 4 ounces of the solution being injected into the shank and a like quantity along the flank side of the body bone (femur). The hams shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. At least once during the curing process the hams shall be over-hauled and additional sait applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from the cure the hams may be soaked in water at a temperature not higher than 70° F. for not more than 4 hours, but shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall then be dried or smoked not less than 48 hours at a temperature not lower than 80° F., and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(v) Boneless pork lons and lon ends. In lieu of heating or refrigerating to destroy trichinae in boneless lons, the lons shall be cured for a period of not less than 25 days at a temperature not lower than 36° F by the use of one of the following methods:

Method No. 1. A dry-salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meat.

Method No. 2. A pickle solution of not less than 80° strength (salometer) on the basis of not less than 60 pounds of pickle to each hundredweight of meat.

Method No. 3. A pickle solution added to the approved dry-salt cure provided the pickle solution is not less than 80° strength (salometer).

After removal from cure, the loins may be soaked in water for not more than 1 hour at a temperature not higher than 70° F. or washed under a spray but shall not be subjected, during or after the curing process, to any other treatment designed to remove salt.

Following curing, the loins shall be smoked for not less than 12 hours. The minimum temperature of the smokehouse during this period at no time shall be lower than 100° F., and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 125° F

Finally, the product shall be held in a drying room for a period of not less than 12 days at a temperature not lower than 45° F

(d) General instructions. When necessary to comply with these instructions, the smokehouses, drying rooms, and other compartments used in the treatment of pork to destroy trichinae shall be suitably equipped, by the establishment, with accurate automatic recording thermometers. Inspectors in charge are authorized to approve for use in sausage smokehouses, drying rooms, and other compartments, such automatic recording thermometers as are found to give satisfactory service.

To insure the effective administration of the foregoing, inspectors who supervise the handling and treatment of pork to destroy live trichinae shall:

(1) Recognize the importance of safeguarding the consumer and follow carefully the instructions concerning the treatment of pork to destroy trichinae.

(2) Check the internal temperatures, with division thermometers, of all products subjected to the heating method.

(3) Test frequently, with division thermometers, the reliability of establishment thermometers (including automatic recording thermometers) and reject for use any found to be maccurate and unreliable.

(4) Observe division thermometers carefully in order that none be used which have become defective or of questionable accuracy.

(5) Supervise in a methodical manner the handling, in drying, refrigerating, and curing departments, of pork product under treatment for the destruction of live trichinae, and keep conveniently available, at the official establishment for division use, such records as may be necessary and informative of each lot of product under treatment.

(e) The requirements of this section to destroy possible live trichinae in the products of a kind enumerated in paragraph (b) of this section apply to products which are exempted from inspection.

§ 268.11 Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation. (a) Containers shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently.

(b) Containers of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180° F. The container-washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers.

(c) Nothing less than perfect closure is acceptable for hermetically sealed containers. Heat processing shall follow promptly after closing.

(d) Careful inspection shall be made of the containers by competent establishment employees immediately after closing, and containers which are defectively filled, defectively closed or those showing inadequate vacuum, shall not be processed until the defect has been corrected. The containers shall again be inspected by establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within six hours following the sealing of the containers or completion of the heat processing, as the case may be, except that (1) if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38°. F under conditions that will promptly and effectively chill them until the following day when the defect may be corrected; (2) short vacuum or overstuffed cans of product which have not been handled in accordance with the above may be incubated under division supervision, after which the cans shall be opened and the sound product passed for food; and (3) short vacuum or overstuffed cans of product of a class permitted to be labeled, "Perishable, Keep Under Refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food.

(e) Canned products shall not be passed unless after cooling to atmospheric temperature, they show the external characteristics of sound cans; that is, the cans shall not be-overfilled; they shall have concave sides, excepting the seam side, and all ends shall be concave; there shall be no bulging; the sides and ends shall conform to the product; and there shall be no slack or loose tin.

(f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the inspector in charge.

(g) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam-pressure cooking by permission of the chief of division and labeled "Perishable, Keep Under Refrigeration."

(h) Lots of canned product shall be identified during their handling preparatory to heat processing by tagging the baskets, cages or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

(i) Facilities shall be provided to incubate at least representative samples of the product of fully processed canned product. The incubation shall consist of holding the canned product for at least 10 days at about 98° F., and, in addition, where thermophilic bacteria might be present, for 10 days at about 130° F When both tests are used, they may run concurrently.

The extent to which incubation tests shall be required depends on conditions such as the record of the establishment in conducting canning operations, the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the inspector in charge in determining the extent of incubation testing at a particular establishment.

In the event of failure by an establishment to provide suitable facilities for incubation of test samples, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discre-

tion, be necessary to establish the stability of the product.

The inspector in charge may permit lots of canned product to be shipped from the establishment prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the establishment for reinspection should such action be indicated by the incubation results.

§ 268.12 Preparation of dog food or similar uninspected article at official establishments; edible products department; inedible products department; denaturing. (a) When dog food, or similar uninspected article is prepared in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the preparation of the uninspected article in no way interferes with the handling or preparation of products. Where necessary, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible product departments, the operations incident to the preparation of the uninspected article will be subject to the same sanitary requirements that apply to all operations in edible product departments. The preparation of the uninspected article shall be limited to those hours during which the establishment generally operates under inspectional supervision. That is, there shall be no handling, other than receiving at the establishment, of any of the meat, meat byproducts, or meat food product ingredient of the uninspected article, other than during the regular hours of inspection. The materials used in the preparation of the uninspected article shall not be such as would interfere with the inspection of product or the maintenance of sanitary conditions in the department. The uninspected article may be stored in, and distributed from, edible product department: Provided, That adequate facilities are furnished, that there is no interference with the maintenance of sanitary conditions, and that it is properly identified.

(b) When dog food or similar uninspected article is prepared in a part of an official establishment other than an edible product department, the area in which the dog food is prepared shall be separated from edible product departments in a manner similar to that required for separation between edible product departments and medible product departments. Sufficient space must be allotted and adequate equipment provided so that the preparation of the uninspected article does not interfere with the proper functioning of the other operations at the establishment. Nothing in this paragraph shall be construed as permitting any deviation from the requirement that inedible materials, dead animals, and the like, of whatever origin. must be placed in the inedible product rendering equipment, and without undue delay. The preparation of the uninspected product must be such as not to interfere with the maintenance of general sanitary conditions on the premises, and it shall be subject to inspectional

supervision similar to that exercised over inedible product departments. There shall be no return of any product to edible product departments. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Unoffensive material prepared outside edible product departments may be stored in, and distributed from, edible product departments only if packaged in clean, properly identified, sealed containers.

(c) Dog food or other animal food prepared, in whole or in part, from materials derived from cattle, sheep, swine, goats or horses, shall be distinguished from articles of human food, so as to avoid the distribution of such animal food as human food. To accomplish this, labeling of hermetically sealed, conventional retail size containers as, for example, "dog food" will be considered sufficient. If not in such containers, the product must not only be properly identified, but it must be of such character or so treated (denatured or decharacterized) as to be readily distinguishable from an article of human food. Dog food shall not be represented as being a human food.

§ 268.13 Mixtures containing product but not amenable to Meat Inspection Act. Mixtures containing product but not classed as coming under the Meat Inspection Act shall not bear the inspection legend or any abbreviation or representation thereof. When such article is prepared in any part of an official establishment, the sanitation of that part of the establishment shall be supervised by division employees and the preparation of such article shall not cause any deviation from the requirement that no uninspected product be brought into the establishment.

§ 268.14 Contamination of product by flood water, etc.; procedure for handling.
(a) Any product which has been contaminated by flood water, harbor water, or like polluted water, shall be condemned.

(b) After flood water has receded, the establishment shall, under the supervision of a division employee, thoroughly cleanse all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein. An adequate supply of hot water, under pressure, is essential for effective cleansing of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately ½ of 1% available chlorine (5,000 parts per million) or other disinfectant approved by the chief of division should be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before being used. All metal should be rinsed with clean water to prevent corrosion.

(c) Hermetically sealed containers of product which has been submerged or otherwise contaminated as in paragraph (a) of this section shall be rehandled promptly under supervision of a division employee as follows:

(1) Separate and condemn all product the containers of which show extensive rusting or corrosion, such as might ma-terially weaken the container, as well as any swollen, leaky, or otherwise suspicious container.

(2) Remove paper labels and wash the containers in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved specifically for this purpose by the chief of division, and rinse in clean fresh water and dry thoroughly.

(3) After handling as in subparagraph (2) of this paragraph, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(4) The identity of the canned product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of the containers.

§ 268.15 Glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products. (a) Glands and organs which are not used as food products, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pitultary, parathyroid, suprarenal, and thyroid glands, may be shipped interstate either by establishments operating under inspection or by those which do not operate under inspection; Provided, That the containers shall be plainly marked "For Pharmaceutical Purposes" "For Organotherapeutic Purposes" or "For Technical Purposes" without any reference to inspection.

Organs in this category may be brought into and stored in edible product departments of inspected establishments or shipped with edible product if packaged in suitable containers which will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection.

(b) Glands or organs which are regarded as food products, such as livers, testicles, the thymus and pancreas, may be shipped interstate or brought into official establishments for pharmaceutical, organotherapeutic, or technical purposes, only if U. S. inspected and passed and so identified.

#### PART 269-MARKET INSPECTION

269.1 Market inspection for shipment of portions of inspected product not showing inspection legend; assignment of numbers; marking; to conform with regulations.

269.2 Inspection and marking of meat from marked carcass or container.

§ 269.1 Market inspection for shipment of portions of inspected product not showing inspection legend; assignment of numbers; marking; to conform with regulations. (a) Market inspection may be established to provide for the interstate transportation or export, from public markets, and other places, of portions of inspected and passed product which, when cut or otherwise removed from a market carcass, part, or con-

tainer, do not show the inspection legend. Each city in which market inspection is established shall be assigned an official number by the chief of division, and all articles transported under such inspection shall bear the inspection legend and the official number of the city.

(b) Persons furnished inspection under paragraph (a) of this section shall conform to the requirements of the department governing sanitation, the use of dyes, chemicals, and preservatives; and such other matters as may be specified from time to time by the chief of division as applicable thereto.

§ 269.2 Inspection and marking of meat from marked carcass or container. Unmarked portions cut from a marked carcass or part or removed from a marked container, under market inspection, for interstate transportation or for export, shall be inspected by a division employee at the time they are so cut or removed, and, if found to be sound, healthful, wholesome, and fit for human food, shall be marked with the inspection legend. Whenever practicable, the brand shall be applied to the meat itself. When this cannot be done, the container thereof shall be marked, for interstate transportation, as required by Part 266 of this subchapter, or, for export, as required by Part 274 of this subchapter.

#### PART 270-REPORTS

Sec.
270.1 Inspection reports.
270.2 Daily reports.
270.3 Establishments to furnish information for reports.
270.4 Reports on sanitation.

§ 270.1 Inspection reports. Reports of the work of inspection carried on in every official establishment and elsewhere shall be forwarded to the division by the inspector in charge, on such forms and in such manner as may be specified by the chief of division.

§ 270.2 Daily reports. Division employees shall make daily reports of the amounts of articles handled or prepared in the subdivisions of the establishments to which they are assigned and of such other things as the chief of division or inspector in charge may require.

§ 270.3 Establishments to furnish information for reports. Each official establishment shall furnish to division employees accurate information as to all matters needed by them for making their reports pursuant to § 270.2.

§ 270.4 Reports on sanitation. Reports on sanitation shall be made by the division employees assigned to the various subdivisions of official establishments to the inspector in charge, and by the inspector in charge to the chief of division or to the person designated by him.

### PART 271-APPEALS

§ 271.1 Appeals from meat inspection actions. Any appeal from a decision of an employee of the division shall be made to his immediate superior having jurisdiction over the subject matter of the appeal.

## PART 272—COOPERATION WITH LOCAL AUTHORITIES

272.1 Inspectors in charge to cooperate with Federal, State, and other local authorities.

272.2 Definite cooperative arrangements to be approved by the division.

§ 272.1 Inspectors in charge to cooperate with Federal, State, and other local authorities. Inspectors in charge shall confer with Federal, State, municipal and other local officials at their stations and inform them of the Federal meat-inspection service, what the division is accomplishing in that particular locality, and, in turn, ascertain what is being done by the local officials.

§ 272.2 Definite cooperative arrangements to be approved by the division. If it be proposed to adopt a definite cooperative arrangement, the details thereof shall be submitted to and approved by the chief of division before it is put into effect.

PART 273—BRIBERY, COUNTERFEITING, ETC.

Sec.

273.1 Bribes.

273.2. Inspection marks, etc., forging, counterfeiting, etc., improper use and handling.

§ 273.1 Bribes. It is a felony, punishable by fine and imprisonment, for any person, firm, or corporation, or any agent or employee thereof, to give, pay, or offer, directly or indirectly, to any division employee authorized to perform any duty prescribed by the Meat Inspection Act or the regulations in this subchapter, any money or other thing of value with intent to influence such employee in the discharge of his duty. It is also a felony, punishable by discharge from office and by fine and imprisonment, for any division employee engaged in the performance of any duty pre-scribed by the Meat Inspection Act or the regulations in this subchapter to accept from any person, firm, or corporation, or from any agent or employee of such person, firm, or corporation, any gift, money, or other thing of value given with intent to influence his official action, or to receive or accept from any person, firm or corporation engaged in interstate or foreign commerce any gift, money or any other thing of value given for any purpose or intent whatsoever.

§ 273.2 Inspection marks, etc., forging, counterfeiting, etc., improper use and handling. It is a misdemeanor, punishable by fine and imprisonment, for any person, firm, or corporation, or officer, agent, or employee thereof, to forge, counterfeit, simulate, or falsely represent, or without proper authority to use. fail to use, or detach, or knowingly or wrongfully to alter, deface, or destroy, or to fail to deface or destroy, any of, the marks, stamps, tags, labels, or other identification devices provided for in the Meat Inspection Act or in and as directed by the regulations in this subchapter, on any carcass, part of carcass, or the product or containers thereof, subject to the provisions of the Meat Inspection Act. or any certificate in relation thereto authorized or required in the Meat Inspection Act or as directed in the regulations in this subchapter.

PART 274—EXPORT STAMPS AND CERTIFI-CATES 1

274.1 Manner of affixing stamps and marking product for export.

274.2 Export stamps and certificates; instructions concerning issuance. 274.3 Export transportation without certifi-

274.3 Export transportation without certificate prohibited; special procedure or requirements as to certification of product for export to certain countries.

274.4 Special requirements as to product for export to countries named herein.

274.5 Special requirements as to animal casings for export to countries named herein; certificates, stamps, handling, etc.

274.6 Export casings, bladders, hoofs, horns, grease and similar inedible animal products.

274.7 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless exporter certifies as inedible.

274.8 Product packed with preservative for export; required stamps and certificates; affixing and removal of stamps.

§ 274.1 Manner of affixing stamps and marking product for export. (a) A numbered meat-inspection stamp shall be affixed to each outside container (except cloth wrappings) of any inspected and passed product for export or to the Philippines, except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or distribution. So far as possible stamps shall be issued serially.

(b) Such stamps shall be securely affixed, and if the container be of wood the stamps shall be placed either (1) in a grooved space made by removing a portion of the wood of sufficient size to admit the stamp, (2) on either end of the package, provided that the sides thereof are made to project at least one-eighth of an inch to afford the necessary protection from abrasion, or (3) in some other equally satisfactory manner acceptable to the inspector in charge.

(c) The cloth wrapping used as an outside container of any inspected and passed product for export shall bear the inspection legend and the establishment number applied by the 21/2-inch rubber brand, except that the cloth wrappings used as outside containers of such exportations to Great Britain are required to bear numbered export meat-inspection stamps securely affixed. The export mark of inspection may be applied by means of the rubber brand to the cloth coverings of inspected and passed product for export account of any Federal agency, regardless of the country of destination, provided such marking in lieu of export stamps is authorized by the agency concerned.

(d) A numbered meat-inspection stamp shall be affixed to each tank car

<sup>&</sup>lt;sup>1</sup>Attention is directed to the requirements of Part 275, of this subchapter, governing transportation, and to the requirements of § 268.8 of this subchapter that articles prepared under that section for export be destroyed for food purposes before being sold or offered for sale for domestic use.

of inspected and passed lard or similar edible product, and to each door of railroad cars containing carload lots of inspected and passed loose meat shipped direct to Canada, Cuba, or Mexico.

§ 274.2 Export stamps and certificates; instructions concerning issuance.
(a) Upon application of the exporter, the inspector in charge is authorized to issue certificates for shipments of inspected and passed product to any foreign country or to the Philippines. Certificates should be issued at the time the articles leave the establishment; if not issued at that time, they may be issued later only after identification and reinspection of the products.

(b) Export certificates shall be issued in serial numbers and in triplicate form. Quadruplicate certificates may be issued for any exportation on request of the exporter. Each certificate shall show the names of the exporter and the consignee, the destination, the numbers of the stamps, if any, attached to the articles to be exported, the number and type of packages, the shipping marks, the kind of product, and the weight. On certificates showing a Federal agency as exporter, if desired by the agency concerned, the words "For Export" may be used in lieu of name of consignee and destination, and the certificate should also show (1) on the date line, the name of the station at which they are issued, (2) under "Description and Marks," the additional statement "Establishment No. \_\_\_\_," and (3) the initials and numbers of the railway cars in which the products are forwarded from the con-

tractor's establishment. (c) Only one certificate shall be issued for each consignment, except that for sufficient reasons new certificates may be issued by inspectors in charge. When new certificates are issued the original certificate should be attached to the report to the Washington office, if possible, and in case the original certificates cannot be obtained, explanation should be made on the report of the reason for the issuance of the new certificates. A certificate issued in lieu of another should show in the left-hand margin the notation "Issued in lieu..." A certificate that is canceled when another is issued in lieu thereof, shall show in the left-hand margin the number of the certificate which was issued in lieu, as follows: "No. \_\_ in lieu.'

(d) The original certificate shall be delivered to the shipper and shall be used only for the purpose of effecting the transportation and delivery of the consignment.

(e) The duplicate of the certificate shall be delivered to the shipper and by him delivered to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water, or to the chief officer of the vessel on which the export shipment is made and without which no clearance shall be given to any vessel having aboard any product, and shall be used only by these agencies and for the purpose of effecting the transportation of the consignment certified. The chief officer of the vessel shall file such dupli-

cate with the customs officer at the time of filing the master's manifest or the supplemental manifest.

(f) The triplicate of the certificate shall be retained by the inspector in charge issuing the same and forwarded to the division for filing.

(g) Under no circumstances shall the original or the triplicate of such certificate be used for the purpose for which it is prescribed by paragraph (e) of this section that the duplicate shall be used.

(h) Certificates and stamps may be issued by inspectors in charge, upon request, for export consignments of product of official establishments not under their supervision, provided the consignments are first identified as having been "U. S. inspected and passed" and are found to be sound, healthful, wholesome, and fit for human food.

(i) At stations where but few certificates are issued the triplicates shall be forwarded to Washington with the report covering their issue. Where the number is large the triplicates shall be promptly forwarded at the close of the month.

(j) No erasures or alterations shall be made on a certificate. All certificates rendered useless through clerical error or otherwise, and all certificates canceled, for whatever cause, shall be returned to the Washington office with full explanation,

(k) All export certificates shall be so executed that the data entered thereon will appear in the proper spaces on each copy of the certificate.

§ 274.3 Export transportation without certificate prohibited; special procedure or requirements as to certification of product for export to certain countries. (a) No person operating any steam or sailing yessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to Great Britain or Ireland, or any of the countries of continental Europe, or to Canada, Venezuela, Argentina, Peru, Colombia, the French Antilles, Cuba, or Algeria, any product, except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or distribution, unless and until a certificate of inspection covering the same has been issued and delivered as provided in this part. The requirement of export certificates is waived for product exported to countries other than those named in this paragraph. The waiving of the requirement of export certificates for product exported to certain countries does not walve the requirements of § 274.1.

(b) Export certificates for shipments of inspected and passed product to Italy, Argentina, Venezuela, Dominican Republic; Colombia, Ecuador, Haiti, Norway, Poland, Guatemala, and Salvador shall be visaed by the consul of the country of destination at the place of origin or the first port.

(c) Form FDA 412-8 (superseding MI 167), which is printed in English on the obverse side and in French on the reverse side, shall be issued for each consignment of product destined to Algeria, Belgium, France, and Poland, in addition to the

regular export certificate. The Form FDA 412-8 shall be fully executed and signed on both sides.

(d) Form FDA 421-8 (superseding MI 167) and Form FDA 412-9 (superseding MI 169) must bear the official seal of the division inspector in charge who issues the certificates.

(e) Canada. (1) Export certificates shall not be issued for shipments of livers to Canada unless the portal lymph glands are intact.

(2) Export certificates shall not be issued for any shipment of artificially colored product for Canada.

(3) Export certificates for carload shipments of inspected and passed product in bulk to Canada shall show the car numbers and initials.

(4) Regular export certificates shall be issued in quadruplicate for product destined to Canada.

(1) Colombia. Form FDA 412-7 (superseding MI 121-E) which is printed in English on the observe side and in Spanish on the reverse side, shall be issued in quintuplicate for lard destined to Colombia, South America. The certificate shall be fully executed and signed on both sides. The fifth copy shall be forwarded to Washington.

(g) Dominican Republic. Regular export certificates shall be issued in quadduplicate for product destined to the Dominican Republic.

(h) Ecuador. A special certificate on an official letterhead shall be issued for lard destined to Ecuador, showing the description and marks as well as the serial number of the regular export certificate issued for the product and the statement that the lard contains "no added stearine" or "not more than 10 percent added stearine" as the case may be. Inspectors in charge are also directed to issue an additional copy of the regular and special export certificate for lard destined to Ecuador.

(i) Italy. Oleo oil destined to Italy is required to contain exactly 5 percent of sesame oil, and the export certificate accompanying the product shall show in the margin:

Oleo oil to which exactly 5 percent of sesame oil has been added.

(j) Latvia. Export certificates shall be issued for refined pure lard destined to Latvia, showing the description of the product as "Refined pure lard."

(k) Netherlands. (1) Export certificates shall be issued for fresh pork cuts not smaller than a quarter of a carcass destined to the Netherlands, with the following additional certification written and signed by the inspector in charge on the reverse side of the certificate:

The fresh pork described on the reverse side of this certificate was refrigerated continuously for not less than 3 weeks at a temperature not higher than 15° C. below freezing.

(2) Form FDA 412-9 (superseding MI 169) shall be issued for product destined to the Netherlands, in addition to the regular export certificate.

(1) Switzerland. The certificate and description of the shipment shall appear in the French language on the reverse

side of certificates issued for shipments of inspected and passed product to Switzerland.

§ 274.4 Special requirements as to product for export to countries named herein—(a) Canada. (1) The uteri, vulvae, black gut, spleens, prepuces, udders, and testicles are prohibited in food articles for Canada.

(2) Crowns shall be removed from hog bungs used as containers of sausage for Canada.

(3) Foreign products originating in countries other than Australia, Czechoslovakia, Denmark, France, Italy, New Zealand, Sweden, and the United States are not admitted into the Dominion of Canada, and notwithstanding the fact that products are admitted into the United States from countries other than those above enumerated such products from such other countries are not acceptable in Canada even though accompanied with export certificates issued in the United States.

(4) Official establishments shall rigidly observe the following definitions in the preparation of meat, meat food products, and meat byproducts intended for exportation to the Dominion of Canada. Inspectors in charge are directed to see that only meat, meat food products, and meat byproducts which conform to these definitions are certified for exportation to the Dominion of Canada.

(i) Any descriptive terms applied to any meat, meat byproduct, or to any preparation of either of them upon the label or otherwise, must be consistent with the definition of such terms as established under the Meat and Canned Foods Act of Canada.

(ii) Preservatives other than common salt, sugar, saltpeter, wood smoke, vinegar, acetic acid, spices, alcohol, refined sodium nitrate and refined sodium nitrite (not to exceed 200 parts per million in the finished product) or coloring matter, shall not be used in or upon meat, meat byproducts, or any preparation of either of them.

(iii) Meat shall be the clean, sound, properly dressed flesh of one or more animals healthy at the time of slaughter and shall include the heart, tongue, diaphragm and oesophagus in addition to the skeletal musculature with attendant tissues. The term "animals," used in this section includes not only mammals, but fish, fowls, crustaceans, mollusks and other animals used as food.

(iv) Fresh meat shall be meat from animals recently slaughtered and properly cooled until delivered to the consumer.

(v) Cold storage meat shall be meat from animals recently slaughtered and preserved by refrigeration until delivered to the consumer.

(vi) Salted, pickled and smoked meats shall be unmixed meats preserved by salt, sugar, vinegar, spices and other harmless substances, or smoke, singly or in combination, whether in bulk or in suitable containers.

(vii) Suitable containers for keeping moist food products such as soups, meat extracts, meat, and manufactured meats, and wrappers in contact with food products, shall contain on their surfaces in contact with food products, no lead, antimony, arsenic, zinc, or copper, or any compounds thereof or any other poisonous or injurious substances. If the containers are made of tin plate, they shall be outside soldered, or if soldered inside, the solder used shall consist of pure tin only and the plate in no place shall contain less than one hundred and thirteen (113) milligrams of tin on a piece five (5) centimeters square or one and eightenths (1.8) grains on a piece of two (2) inches square.

This is equivalent to two (2) pounds of tin per base box; but it must be noted that the regulation requires not only a minimum weight of tin per base box, but that this tin shall be evenly distributed over the surface of the plate.

The inner coating of the containers shall be free from pin holes, blisters and cracks.

If the tin plate is lacquered, the lacquer shall completely cover the lined surface within the container and yield to the contents of the container no lead, antimony, arsenic, zinc or copper, or any compounds thereof, or any other poisonous or injurious substances.

(viii) Manufactured meats shall be meats not included in subdivisions (iv) (v) and (vi) of this subparagraph, whether simple or mixed, whole or comminuted, in bulk or in suitable containers, with or without the addition of salt, vinegar, sugar spices, or other harmless substances, smoke, oils or rendered fat. If they bear names descriptive of kind, composition, or origin, they shall correspond thereto, and when bearing such descriptive names, if force or flavoring meats are used the kind and quantity thereof shall be made known.

(ix) Sausage, sausage meat, sausage pudding, etc., shall be a communuted meat from swine or meat cattle, or a mixture of such meats, either fresh, salted, pickled, or smoked, with added salt and spices, and with or without the addition of edible animal fats, cereals, blood or sugar, and with or without subsequent smoking. It shall contain no larger amount of water than the meats from which it is prepared contain when in their fresh condition, and this must not exceed sixty (60) per cent, and not more than five (5) percent of its weight of cereals, and if it bears a name descriptive of kind, composition, or origin, it shall correspond to such descriptive name. All animal tissues used as containers, such as casings, stomachs, etc., shall be clean and sound and impart to the contents no substance other than salt.

(x) Blood sausage and blood pudding shall be sausage to which has been added clean, fresh blood from neat cattle in good health at the time of slaughter.

(xi) Canned meat shall be the cooked meat of fowls, neat cattle, or swine, preserved in packages closed hermetically or otherwise.

(xii) Corned or cured meat shall be meat cured or pickled with dry salt or in brine, with or without the addition of sugar or other harmless substances.

(xiii) Potted meat shall be comminuted and cooked meat, with or without salt and spices, and enclosed in suitable containers closed hermetically or

otherwise. Cereals when present must not exceed five (5) percent by weight. (xiv) Meat loaf shall be a mixture of

(xiv) Meat loaf shall be a mixture of comminuted cooked meat, with or without spices, cereals, milk, or eggs, pressed into a loaf. If it bears a descriptive name it shall correspond thereto. Meat loaf shall not contain more than five (5) percent of cereals.

(xy) Meat extract shall be the product obtained by extracting fresh meat with water and concentrating the liquid portion by evaporation after the removal of fat, and shall contain not less than seventy-five (75) percent of total solids of which not over twenty-seven (27) percent shall be ash, and not over twelve (12) percent shall be sodium chloride (calculated from the total chlorine present) not over six-tenths (0.6) percent shall be fat and not less than eight (8) percent shall be nitrogen. The nitrogenous compounds shall contain not less than forty (40) percent of meat bases and not less than ten (10) percent of creatin and creatinnin.

(xvi) Fluid meat extract shall be identical with meat extract except that it shall be concentrated to a lower degree and contain not more than seventy-five (75) and not less than fifty (50) percent of total solids.

(xvii) Bone extract or stock shall be the product obtained by extracting clean, fresh, trimmed bones of animals in good health at the time of slaughter, with boiling water and concentrating the liquid portion by evaporation after removal of the fat, and shall contain not less than seventy-five (75) percent of total solids.

(xviii) Fluid bone extract shall be identical with bone extract except that it shall be concentrated to a lower degree and contain not more than seventy-flue (75) and not less than fifty (50) percent of total solids.

(xix) Meat juice shall be the fluid portion of muscle fibre obtained by pressure or otherwise, and may be concentrated by evaporation at a temperature below the coagulating point of the soluble proteins. The solids shall contain not more than fifteen (15) percent of ash, not more than two and five-tenths (2.5) percent of sodium chloride (calculated from the total chlorine present), not more than four (4) and not less than two (2) percent of phosphoric acid (P<sub>2</sub>O<sub>2</sub>) and not less than twelve (12) percent of nitrogen. The nitrogenous compounds shall contain not less than thirty-five (35) percent of coagulable proteins and not more than forty (40) percent of meat bases.

(xx) Peptones shall be products prepared by the digestion of protein material by means of enzymes or otherwise, and shall contain not less than ninety (90) percent of proteoses and peptones.

(xxi) Gelatin (edible gelatin) shall be the purified, dried, inodorous product of the hydrolysis by treatment with boiling water, of certain tissues, as skin, ligaments, and bones, from sound animals, and shall contain not more than two (2) percent of ash and not less than fifteen (15) percent of nitrogen.

(xxii) Lard shall be the rendered fat from hogs in good health at the time of slaughter, shall be clean, free from rancidity, and contain, necessarily incorporated in the process of rendering, not more than one (1) percent of substance other than fatty acids and fat.

(xxiii) Leaf lard shall be lard rendered at moderately high temperature from the internal fat of the abdomen of the hog, excluding that adherent to the intes-tines, and shall have an iodine number not greater than sixty-five (65) and contain not more than one (1) percent of substances other than fatty acids and

(xxiv) Compound lard, lard compound, etc., shall be a mixture of animal and vegetable fats and oils. It shall be free from rancidity, be made from sound and pure materials and contain not more than one (1) percent of substances other than fatty acids and fat, and at least fifty-one (51) percent of actual lard shall be present in the article.

(XXV) Meat byproducts shall be the clean, sound, edible parts other than meat, derived from one or more animals healthy at the time of slaughter and shall include the tissue residues from the processes whereby edible fats are ren-

dered.

(xxvi) Prepared meat byproducts shall be wholesome articles made wholly or in part from comminuted meat byproducts with or without cereal, seasoning, common salt, sugar, saltpeter, wood smoke, vinegar, acetic acid, spices, alcohol, refined sodium nitrate and refined sodium nitrite (not to exceed 200 parts per million in the finished product) All prepared meat byproducts shall be clearly and distinctly labeled as such.

- (5) Canada prohibits the importation or introduction into that country, either direct or via other countries, of meat and meat byproducts, other than cooked canned meats, cooked canned meat byproducts, edible tallow, and oleo stearin from countries in which foot-and-mouth disease, or rinderpest, has been known to exist during the preceding twelve (12) months.
- (6) The marks of inspection shall be placed on each ham, shoulder, back, belly, and loin of hog carcasses, whether split or unsplit, exported from the United States to Canada. Care should be taken that such marks be applied so that they will be clearly legible upon arrival at destination.
- (b) France. Pork livers which have not been refrigerated at a temperature of 15°C, below zero for twenty (20) days are eligible for importation into France only when destined to pate de foie gras
- (c) Great Britain. (1) Only edible organs which upon visual examination are found without blemish are permitted exportation to Great Britain.
- (2) Except for meat prepared for a Federal agency for export, the use of borax on meat shipped from the United States for consumption in England, Wales, and Scotland, is prohibited. However, preservative certificates may be issued at exporter's risk for meat packed in borax which is shipped to England, Wales, and Scotland: Provided, That for each consignment the exporter shows on his application (Form FDA 413-5, superseding MI 116-A) that the

meat is intended for reexport from England, Wales, and Scotland, in accordance with the British regulations.

- (3) The lymphatic glands and/or serous membranes are required to be in close anatomical relationship to fresh meat cuts imported into England and
- (4) In order to insure uniformity of practice in administering the regulations,

Picnics; Boston butts (boneless):

roasts; boneless shoulders.

Back fat\_\_\_\_\_

Boston butts (bone in); pork

Cut

the Association of Port Sanitary Authorities of the British Isles has considered certain cuts of imported meat in regard to which difficulties might arise and adopted recommendations as to the mclusion in such cuts of the lymphatic glands and/or serous membrane in close anatomical relationship thereto. The list of cuts and recommendations is as

# Pone Curs

#### Recommendation

A. C. hams; pork legs ...... All pork hams chould have the popliteal gland, the superficial inguinal or supra-mammary glands in situ. Bellies; Cumberland sides.\_\_\_\_ Should have both pleura and peritoneum in situ.

Pork loins\_\_\_\_\_ The pleura, peritoneum and the renal and lumbar lymphatic glands should be left in situ.

These are cuts from the shoulder and the prescapolar gland should be left in situ.

Consists entirely of the rind and fat from the back-There are no lean, no bone, and no glands. Complies with the regulations and should be admitted.

E	EEF AND MUTTON CUTS.
With bone	Recommendation
Beef buttock	The popliteal lymphatic gland and the superficial in- guinal or supra-mammary gland should be left in situ.
	Half of the precespular gland should be left in situ.  The pleura and the dorso-costal lymphatic glands should be left in the situ.
Rib and pony	Half the precapular gland, the derso-costal lymphatic glands and the pleura should be left in situ.
Rump and loin	The cut should be made through the precural lymph gland so that part of this gland is available for inspection in this cut, the other part being included in the thick flank. In addition the illac, lumbar, and renal lymphatic glands, the peritoneum and as far as possible half of the inchiatic lymph gland should be left in citu.
Saddle of mutton	The iliac, lumbar, renal glands and the peritoneum should be left in situ.

Without bons

Beef hams\_ Clod and sticking piece\_\_\_\_\_ Half the prescapular gland should be included in this

Thick flank...

Beef fillets; tenderloins...... Should be accepted in spite of the fact that neither lymphatic glands nor paritoneum are available for inspection.

\_\_\_\_\_ The popliteal gland should be left in situ.

cut. Should be accepted though no glands are available for inspection.

Silverside; ctopside\_\_\_\_\_ Each abould contain half the popliteal lymphatic gland. Sirloin butts\_\_\_\_\_ Should be accepted though there are no glands or serous membrane available for inspection.

Sirloin strips\_\_\_\_\_\_ All the pleura belonging to the part and as much pert-toneum as pacable should be left in situ.

Spencer rolls.\_\_\_\_\_ In the preparation of this cut the pleura should be incised down the middle of each rib. The ribs should then be removed without tearing away any of the pleura, the cut edges of which will fall together and to leave the whole surface of this serous membrane available for inspection.

---- Half the precrural lymph gland should be left in situ. Tongues; ox (short cut); sheep ..... Should not be trimmed closely. The fat in which the submaxillary lymphatic glands lie, together with such glands should be left in situ.

Quarters of beef (fores and hinds). All lymphatic glands and all serous membranes should be left in their natural positions.

- (5) England, Wales, Scotland, and Northern Ireland prohibit the importation of the following:
- (i) Scrap meat, that is to say, meat which consists of scraps, trimmings, or other pieces (whether with or without bone) of such shape or in such condition as to afford insufficient means of identification with a definite part of a carcass.
- (ii) Meat comprising the wall of the thorax or abdomen from which there has been detached any part of the pleura or

(except in the case of meat derived from a pig) the peritoneum, other than a part necessarily removed in preparing the meat.

- (iii) Meat from which a lymphatic gland, except a gland necessarily removed in preparing the meat, has been taken out.
- (iv) The head of an animal without the submaxillary gland.
- (6) No product from the carcasses of sheep or lambs showing any lesions of

caseous lymphadenitis will be permitted export to England and Wales.

(d) Switzerland. Sausage prepared from frozen meat is ineligible for importation into Switzerland.

§ 274.5 Special requirements as to animal casings for export to countries named herein, certificates, stamps, handling, etc. (a) A regular blue animal-casings certificate may be issued for animal casings destined to countries other than Australia, Austria, Canada, Danzig, France, Great Britain, Netherlands, New Zealand, Poland, and Umon of South Africa, upon request of exporters.

(b) Form FDA 415-5 (superseding MI 122-E) shall be issued in duplicate for enimal casings destined to Australia, Austria, Canada, Danzig, and Poland.

(c) Form FDA 412-8 (superseding MI 167) shall be issued for animal casings destined to Algeria and Belgium. It shall also be issued for animal casings destined to Poland in addition to Form FDA 415-5 (superseding MI 122-E)

(d) Canada. Animal casings for Canada shall be marked with the name of the product such as "green hog casings," "finished beef bungs," etc., and a shipping mark in diamond form enclosing the initial or initials of the exporter.

(e) France. Form FDA 412-8 (superseding MI 167) shall be issued in duplicate for each consignment of animal casings destined to France. Such casings must be derived only from animals which have been U. S. inspected and passed. When necessary, inspectors will require affidavits from exporters covering the origin of animal casings. The duplicate copy of the certificate issued for animal casings shall be forwarded to the Washington office.

(f) Great Britain. (1) Only animal casings derived from animals slaughtered in official establishments, which have been handled in a sanitary manner and have not been treated with and do not contain any preservative, coloring, or other substance not permitted by Part 263 of this subchapter, and which upon examination by division inspectors are found to be fit for sausage containers, shall be exported to Great Britain.

(2) Inspectors will satisfy themselves of the origin of the casings through affidavit of the exporter, and of the sanitary handling by examination of the premises and methods where the casings are prepared.

(3) The containers of animal casings for Great Britain shall be marked with the regular export stamp, but the casings need not be certified at the time of export. However, upon request of the exporter, Form FDA 415-5 (superseding MI 122-E) may be issued in duplicate to cover such exportation.

(g) Netherlands. Form FDA 415-5 (superseding MI 122-E) shall be issued in duplicate for hog casings destined to the Netherlands and shall bear on the reverse side the following statement signed by the inspector in charge:

The hog casings described on the reverse side of this certificate were refrigerated continuously for not less than three (3) weeks at a temperature not higher than fifteen (15) degrees C. below freezing.

In addition, Form FDA 412-9 (superseding MI 169) shall be issued for animal casings destined to the Netherlands.

(h) New Zealand. The New Zealand regulations governing the importation into that Dominion of sausage casings of animal origin provide that these articles may be admitted at the ports of Auckland, Gisborne, Napier, New Plymouth, Wanganui, Wellington, Lyttelton, Timaru, Port Chalmers, Dunedin, or Bluff, when accompanied with a certificate in the following form duly executed by the exporter and division inspector:

#### FORM NO. 1

I, of
(Give name and status)
the
(Gives name of premises)
(Where casings produced or prepared)
situated at or near

(Give name of town) in the country or district of \_\_\_\_\_\_, in the country or State of \_\_\_\_\_\_, do hereby solemnly and sincerely declare that the sausage casings more particularly described below to be shipped by \_\_\_\_\_\_, to \_\_\_\_\_\_, to \_\_\_\_\_\_, to \_\_\_\_\_\_, to \_\_\_\_\_\_\_, to

(a) Were derived from animals which received ante-mortem and post-mortem veterinary inspection at the time of slaughter;
 (b) Were found to be healthy and in every

way suitable for human consumption;
(c) Are sound, healthful, wholesome, and

otherwise fit for human consumption;
(d) Have not been treated with chemical preservatives or other foreign substances in-

jurious to health;
(e) Have been handled only in a sanitary
manner: and

(f) Were not exposed to contagion prior to exportation.

#### DESCRIPTION OF CASINGS

Number and de- scription of pack- ages	Description of casings	Brands and marks

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of \_\_\_\_\_\_

(State here under what statutory provisions the declaration is made)

Signed \_\_\_\_\_\_, this \_\_\_\_\_, this \_\_\_\_\_, the fore me.

(N. B.—In any British country the declaration is to be made before a justice of the peace, notary public, or other person authorized to take it. In any country outside the British Empire the declaration is to be made before a British consul or vice consul, or before any other authorized person.)

#### FORM No. 2

Government Veterinarian's Certificate to Accompany Sausage Casings to New Zealand

I,, a duly
qualified veterinarian, now employed by the
Government of, hereby
certify that I have no reason to doubt the
correctness of the above declaration in an
particular. Dated at, this
day of, 19

Signed \_\_\_\_\_,
Veterinary Inspector in Charge,
Meat-Inspection Service.

Accordingly, a certificate as a single document, including Form No. 1 and Form No. 2, as above specified, shall be furnished in duplicate fully executed by the exporter and division inspector in charge for each consignment of sausage casings of animal origin destined to New Zealand. The certificate forms shall be supplied by the exporter. The wording of the certificate limits certification to casings derived from animals slaughtered in official establishments and handled only in a sanitary manner. Inspectors will satisfy themselves of the origin of the casings and the sanitary handling thereof before issuing certificates. Furthermore, all such casings intended for exportation to New Zealand shall first be examined by division inspectors in official establishments and only those found fit for use as sausage containers in such establishments shall be certifled. A copy of each certificate shall be forwarded to the Washington office.

(i) Union of South Africa. Form FDA 415-5 (superseding MI 122-E) shall be issued in duplicate for animal casings which are destined to the Union of South Africa and which have been in salt continuously for six (6) weeks, with the following words added to the last sentence of the certification: "and have been in salt six (6) weeks prior to shipment."

§ 274.6 Export casings, bladders, hoofs, horns, grease and similar inedible animal products. Numbered inedible-product stamps and certificates of a distinctive color may be issued, upon request of the shipper, for export shipments of casings, bladders, hoofs, horns, grease, and similar inedible animal products.

§ 274.7 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless exporter certifies as inedible. No tallow, stearin, oleo oil, or the rendered fat derived from cattle, sheep, swine, or goats, that has not been inspected, passed, and marked in compliance with the regulations in this subchapter shall be exported, unless the shipper files with the collector of customs at the port from which the export shipment is made an affidavit by the exporter that such article is inedible.

§ 274.8 Product packed with preservative for export; required stamps and certificates; affixing and removal of stamps. (a) Numbered stamps and certificates of a distinctive color, known as preservative stamps and certificates, shall be issued to identify all articles prepared or packed with preservatives for export. The stamps shall be securely affixed to containers of the article before they leave the establishment, in the manner prescribed by § 274.1 (b) Unless, upon special application to him, the chief of division shall otherwise direct, the certificates shall be issued before the articles leave the establishment, and shall be issued and used in the same way and shall serve the same purposes, respectively, as the certificates issued pursuant to § 274.2.

(b) Prior to export, no preservative stamp required by this section shall be detached from the container except under the personal supervision of a division employee. If the preservative stamp is enabled, then the article in the container shall be handled in accordance with the provisions of § 268.8 of this subchapter.

#### Part 275—Transportation

Sec.	· · · · · · · · · · · · · · · · · · ·
275 <b>.1</b>	Interstate or foreign transportation
	prohibited without certificate; im-
	ported articles prior to inspection
	excepted if handled under seals.

275.2 Parcel post and ferries deemed carriers.

275.3 Certificate for product transported within United States as part of foreign movement.

275.4 Shipments by jobbers; wholesalers and others; breaking bulk, repacking shipping etc.

ing, shipping, etc.
275.5 Form of certificate for interstate or foreign shipment of inspected

product.

275.6 Unmarked inspected product may be transported in sealed cars between official establishments for further processing; transportation by truck, wagon, etc., under seal; breaking of seal.

275.7 Shipment of paunches between official establishments under seal.

275.8 Loading or unloading product in sealed railroad cars, trucks, wagons, etc., en route prohibited.

275.9 Shipments of product requiring special supervision between official establishments in sealed cars, trucks, wagons, etc.

275.10 Exemption; certificate for shipment of uninspected product.
275.11 Farmers; certificate for shipment of

275.11 Farmers; certificate for shipment c uninspected product.

275.12 Waybilis, transfer bills, etc., evidence of proper certification required for shipment by connecting carrier; form of statement.

275.13 Returned products; requirements pertaining to.

275.14 Denaturing of uninspected or inspected meat known to be unsound, grease, etc., required prior to shipment; certificate for shipment; statement to appear on way-

bills, etc., of connecting carrier.

275.15 Certificates to be filed and retained by carriers for one year.

275.16 Diverting of shipments, breaking of seals and reloading by carrier in emergency, reporting to chief of division.

275.17 Provisions in this part do not apply to specimens for laboratory examination, etc., or to inedible articles not having physical characteristics of edible products.

§ 275.1 Interstate or foreign transportation prohibited without certificate; imported articles prior to inspection excepted if handled under seals. No carrier shall transport or receive for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, any article derived wholly or in part from cattle, sheep, swine, or goats unless and until a certificate is made and furnished to him in one of the forms prescribed therefor in this part: Provided, however,

That any such article offered for importation into the United States may be transported and received for transportation from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, without such certificate, if such product is conveyed, prior to inspection, in cars, wagons, vehicles, or packages, scaled with special import-meat scales of the Department of Agriculture or with customs or consular scales as provided in Part 277 of this subchapter.

§ 275.2 Parcel post and ferries deemed carriers. (a) For the purposes of this subchapter, the United States parcel post shall be deemed a carrier, and the provisions of this subchapter relating to transportation by carriers shall apply, so far as they may be applicable, to transportation by parcel post.

(b) For the purposes of this subchapter, every ferry and ferry line shall be deemed a carrier, and the provisions of this subchapter relating to transportation by carriers shall apply to transportation by ferry or ferry line of any product loaded on a truck, wagon, cart, or other vehicle, or otherwise prepared for transportation.

§ 275.3 Certificate for product transported within United States as part of foreign movement. When any shipment of any product is offered to any carrier for transportation within the United States as a part of a foreign movement, the same certificate shall be required as if the shipment were destined to a point within the United States.

§ 275.4 Shipments by jobbers, whole-salers and others; breaking bulk, repacking, shipping, etc. (a) Jobbers, whole-salers, and others who do no slaughtering or processing and who receive product which has not been processed other than under inspection in compliance with the regulations in this subchapter may break bulk, repack, and ship the same in interstate commerce under § 275.5: Provided, That each artilee so shipped bears the inspection legend and its sound, healthful, wholesome, and fit for human food at the time of such shipment.

(b) Jobbers, wholesalers, and others who do no slaughtering or processing and who receive product which has not been processed other than under inspection in compliance with the regulations in this subchapter may ship such article in interstate commerce under § 275.5 in the original containers in which the same were received by them: Provided, That such containers bear the inspection legend and the articles are sound, healthful, wholesome, and fit for human food at the time of such shipment.

(c) Jobbers, wholesalers, and others who operate establishments in which slaughtering or processing is done without the inspection provided for in this subchapter and who receive product which has not been processed other than under inspection in compliance with this subchapter may ship from such establishment in interstate or foreign commerce under § 275.5 any product which bears the inspection legend and is sound, healthful, wholesome, and fit for human

food and has not been processed, reprocessed, or changed in any manner so as to alter the character of the product.

(d) Nothing contained in this section shall be construed as limiting the authority of division employees under other parts of this subchapter to make inspections and reinspections of articles bearing marks of inspection.

275.5 Form of certificate for interstate or foreign shipment of inspected product. When any product which has been inspected and passed and bears the inspection legend is offered to any carrier for transportation from one State or Territory or the District of Columbia, to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, the carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in the following form, except as provided in § 275.6:

	Date, 19
Name of carrier	
Shipper	
	***************************************
Consignee	
Destination	**

I hereby certify that the following deceribed meat or meat food products, which are offered for shipment in interstate or foreign commerce, have been U.S. inspected and pacced by Department of Agriculture, are so marked, and at this date are sound, healthful, wholecome, and fit for human food.

Kind of product	Amount and weight	
~~~~~~	**	
	***************************************	
(Sig	mature of shipper)	
(As	idress of shipper)	

The signature of the shipper or of his agent shall be written in full. This certificate may be stamped upon or incorporated in any form which is ordinarily used in the transportation of product. Certificates in this form or copies thereof need not be forwarded to the Meat Inspection Division at Washington.

§ 275.6 Unmarked inspected product may be transported in sealed cars between official establishments for further processing; transportation by truck, wagon, etc., under seal; breaking of seals. (a) Any product which has been inspected and passed may be transported from one official establishment to any other official establishment for further processing without each article being marked with the inspection legend, if it is placed in a railroad car which is sealed by a division employee with the official seal of the department bearing the inspection legend: Provided, That the receiving establishment has railroad facilities for unloading the product directly into the establishment. Unless 25 percent or more of the contents of each car consists of product not marked with the inspection legend, transportation will not be permitted under this paragraph.

¹ Attention is directed to the fact that the Meat Inspection Act prohibits the interstate transportation of any product which does not comply with the law or this subchapter, and makes a violation of the act a criminal offense punishable by a fine of not more than \$10,000 and imprisonment for not more than three years. Attention is also directed to the additional requirements of Part 274 of this subchapter, governing export stamps and certificates, and to §§ 266.16 and 266.17 of this subchapter.

<sup>\*</sup>Attention is directed to the law which provides a penalty of fine and imprisonment for breaking a seal on such cars without authority.

(b) When articles are offered for transportation under paragraphs (a) and (c) of this section, the carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in duplicate in the following form:

I hereby certify that the following described meat or meat food products have been U. S. inspected and passed by Department of Agriculture. They are not marked "U. S. inspected and passed," but have been placed in the above car under the supervision of an employee of the Meat Inspection Division and the car has been sealed by him with Government seals Nos. \_\_ and \_\_\_.

(Signature of shipper)

(Address of shipper)

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Chief of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Chief of the Meat Inspection Division. For the purpose of the certificate under this paragraph, all articles in cars, trucks, wagons, etc., permitted by paragraphs (a) and (c) of this section to be sealed shall be deemed to be "not marked."

(c) Inspected and passed articles may be transported from one official establishment to any other official establishment for further processing without each article being marked with the inspection legend in a truck, wagon, etc., securely sealed by a division employee with the official seal of the department bearing the inspection legend. Only vehicles properly equipped for the purpose may be sealed under this paragraph. Unless 25 percent or more of the contents of each vehicle consists of product, not marked with the inspection legend, transportation will not be permitted un-

der this paragraph.

(d) When shipments are made under this section the inspector in charge at the point of origin shall immediately notify the chief of division and the inspector in charge at the point of destination by means of Form FDA 408-1 (superseding MI 109-F) One copy of the form shall be placed in a sealed envelope and tacked to the inside of one of the doors of the railroad car, truck, wagon, etc., one copy shall be mailed to the inspector in charge at destination immediately after the vehicle has been

sealed, and one copy shall be mailed to the Washington office.

(e) Except as provided in § 275.16 (b) seals affixed under this section shall be broken by division employees, and no person other than a division employee shall detach, break, change, or tamper with any such seal in any way whatever.

§ 275.7 Shipment of paunches between official establishments under seal. Cattle and sheep paunches which have been made clean and from which the mucous membrane has not been removed may be transported from one official establishment to another official establishment for further preparation only under official seal of the department bearing the inspection legend. When paunches are offered for transportation under this paragraph, the carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the form set out in § 275.6 (b) appropriately modified. If the product is transported by the shipper himself, a certificate shall nevertheless be forwarded by him to the Chief of the Meat Inspection Division.

§ 275.8 Loading or unloading product in sealed railroad cars, trucks, wagons, etc., en route prohibited. Unloading product from a sealed railroad car, truck, wagon, etc., containing unmarked product or loading product or any other commodity in the vehicle while en route from one official to another official establishment is not permitted.

§ 275.9 Shipments of product requiring special supervision between official establishments in sealed cars, trucks, wagons, etc. (a) Products requiring special supervision, such as product passed for cooking, pork that has been refrigerated to destroy trichinae, and beef that is to be refrigerated to destroy cysticerci, may be shipped loose from one official establishment to any other official establishment for further treatment in sealed railroad cars, trucks, wagons, etc.. Provided, That there is no other product in the vehicle: And provided further That in the case of cars, the receiving establishment has railroad facilities for unloading the product directly into the establishment.

(b) When such restricted product is shipped from one official establishment to another official establishment in the same railroad car, truck, wagon, etc., with other product, such restricted product shall be packed in individual closed containers and the containers sealed in accordance with § 268.10 (c) of this subchapter, and marked "U. S. passed for cooking" or "pork product days refrigeration" or "beef passed for refrigeration," as the case may be. In addition, a "U. S. retamed" tag shall be securely affixed to each container of product passed for cooking and of beef passed for refrigeration. The car, truck, wagon, etc., should not be sealed unless at least 25 percent of the other meat in the vehicle is unmarked.

(c) When a shipment is made in a sealed car, truck, wagon, etc., under this section, the inspector in charge at the

point of origin shall immediately notify the chief of division and the inspector in charge at point of destination in accordance with instructions in § 275.6 (d). When a shipment is made under this section in properly sealed and marked closed containers, the inspector in charge at point of origin shall immediately notify the chief of division and the inspector in charge at destination by means of an appropriately modified Form FDA 408-1 (superseding MI 109-F), furnishing complete information. The original copy of the form is to be malled to the inspector in charge at destination and the duplicate mailed to the Washington office.

(d) When articles are offered for transportation under this section, the carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the form sot out in § 275.6 (b) appropriately modified. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Chief of the Meat Inspection Division.

§ 275.10 Exemption, certificate for shipment of uninspected product. When any product which has not been inspected and passed under the provisions of this subchapter is offered for transportation from one State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States. or to a foreign country, by any retail butcher or retail dealer who holds a certificate of exemption issued in compliance with the provisions of this subchapter, the carrier shall require and such retail butcher or retail dealer shall make and deliver to the carrier, a certificate in duplicate in the following form: 1

Date
Name of carrier
Shipper
Point of Shipment
Consignee
Destination
Number of exemption certificate

I hereby certify that I am a rotail butcher or a retail dealer in meat or meat food products; that the following described meat or meat food products are offered for shipment in interstate or foreign commerce under a certificate of exemption issued to me by the United States Department of Agriculture, and that at this date they are sound, healthful, wholesome, and fit for human food, and contain no preservative or coloring matter or other substance prohibited by the Federal meat inspection regulations.

Kind of product	Amount and Weight
	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
(SI	gnature of shipper)
(A	ddress of shipper)

The signature of the shipper or of his agent shall be written in full, and each certificate shall show the exemption number of the shipper. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of

<sup>&</sup>lt;sup>1</sup>For convenience in filing it is requested that these certificates be made on paper 5½ x 8 inches in size.

<sup>1</sup> See footnote 1, § 275.6 (b).

meat. The duplicate certificate shall be forwarded immediately by the initial carmen to the Chief of the Meat Inspection Division, Washington, D.C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Chief of the Meat Inspection Division.

§ 275.11 Farmers; certificate for shipment of uninspected product. When cattle, sheep, swine, or goats have been slaughtered by a farmer on the farm, and any product derived therefrom is offered to a carrier for transportation from one State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, the carrier may so transport such product which is identified as derived from any of such animals slaughtered by a farmer on the farm. The carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in duplicate in the following form: 1

	1	Jate	 	 _, 19	
Name of carr	ner		 	 	
Shipper					
Point of ship	oment		 	 	
Consignee			 	 	
Designation			 	 	

I hereby certify that the following de scribed uninspected meat or meat food products are from animals slaughtered by a farmer on the farm, and are offered for transportation in interstate or foreign commerce as exempted from inspection according to the Meat Inspection Act of March 4, 1907, as amended, and that at this date they are sound, healthful, wholesome, and fit for human food, and contain no preservative or coloring matter or other substness prohibited by the Federal meat inspection regulations.

Kind of pro	duct	Amount	and	weight
	(Si	gnature of	ship	per)
	(A	ddress of a	hipp	 er)

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Chief of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Chief of the Meat

Inspection Division. § 275.12 Waybills, transfer bills, etc. evidence of proper certification required for shipment by connecting carrier; form of statement. All waybills, transfer bills, running slips, conductor's cards, or other papers accompanying an interstate or foreign shipment of any product shall have embodied therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the proper shipper's certificate, as required by §§ 275.5, 275.6, 275.7, 275.9, 275.10, or 275.11, is on file with the midial carrier; and no connecting carrier shall receive for transportation or trans-

port any interstate or foreign shipment of any product unless the waybill, transfer bill, running slip, conductor's card, or other paper accompanying the same includes the aforesaid signed statement in one of the following forms:

When shipment is made under §§ 275.5, 275.6, 275.7, or 275.9:

(Name of transportation company) U. S. inspected and passed, as evidenced by shipper's certificate on file with initial carrier.

(Signed) \_\_\_\_\_ Agent.

When shipment is made under §§ 275.10 or 275.11.

(Name of transportation company) Exempted from inspection, as evidenced by shipper's certificate on file with initial car-

(Signed) \_\_\_\_\_ Agent.

Signatures of agents to statements required under this section shall be written in full.

§ 275.13 Returned products; requirements pertaining to. (a) When it is claimed that any product, which has theretofore been inspected and passed and marked with the inspection legend, has become unsound, unhealthful, un-wholesome, or in any way unfit for human food after it has been transported away from an official establishment, then, in order to ascertain whether it is unsound, unhealthful, unwholesome, or in any way unfit for human food, the same may be transported from one State or Territory or the District of Columbia to any official establishment in the same or another State or Territory or the District of Columbia if a o written permit in duplicate for such shipment is first obtained from the inspector in charge of the establishment to which the shipment is destined. In case of every such shipment both the original and the duplicate of the permit shall be surrendered to the carrier, and the carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the following

TOLIII.	
	Date, 19
Name of carrier	
Consignor	
Number of permit	

I hereby certify that the following described meat or meat food products have been U.S. inspected and passed by Department of Agriculture and are to marked. It is alleged that the said meat or meat food products are unsound, unhealthful, unwholesome, and unfit for human food.

Kind of Product	Amount and Weight
(81	gnature of shipper)
(Business o	r occupation of shipper)
(4	Address of shipper)

The signature of the shipper or of his agent shall be written in full, and the certificate shall in every case contain a

description and the weight of the product. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. One of these certificates and the duplicate copy of the inspector's permit shall be retained by the carrier; the other copy of the certificate and the original inspector's permit shall be forwarded immediately to the Chief of the Meat Inspection Division, Washington, D. C.

(b) As evidence to connecting carriers that the proper shipper's certificate as required by this paragraph is on file with the initial carrier, the waybills, transfer bills, running slips, conductor's cards, or other papers accompanying such shinments shall have embodied therein, stamped thereon, or attached thereto, a signed statement in the following form:

(Name of transportation company)
U. S. inspected and perced meat or meat food product alleged to be unsound, unwholecome, or otherwise unfit for feed, as evidenced by permit and shipper's certificate on file with initial carrier.

(Signed) \_\_\_\_\_ Agent.

The signature of the agent shall be written in full.

(c) Upon the arrival of the shipment at the establishment, a careful inspection shall be made of the product by a division inspector, and if it is found that the article is sound, healthful, wholesome, and fit for human food, the same may be received into the establishment; but if the article is found to be unscund, unhealthful, unwholesome, or in any way unfit for human food, the same shall at once be stamped "U. S. inspected and condemned" and disposed of in accordance with this subchapter.

(d) No product which is unsound, unhealthful, unwholesome, or in any way unfit for human food shall be transported from an official establishment under this section, but it shall be disposed of at the cfficial establishment in accordance with this subchapted: Provided, That when a product is found to come within one of the classes designated in . § 263.1 (a) (2) of this subchapter, in respect to which rehandling is permitted, it may be transported from an efficial establishment and admitted into another official establishment for such rehandling. The transportation of such a product from an official establishment shall be in a manner prescribed by the chief of division. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Chief of the Meat Inspection Division.

§ 275.14 Denaluring of uninspected or inspected meat known to be uneound, grease, etc., required prior to shipment; certificate for shipment; statement to appear on waybills, etc. of connecting carrier. (a) No uninspected product, and no inspected and passed product which is known to have become unsound, unhealthful, unwholesome, or in any way unfit for human food, including any rendered or unrendered inedible grease. inedible tallow, or other medible fat from the carcasses of cattle, sheep, swine,

<sup>&</sup>lt;sup>1</sup> See footnote 1, § 275.6 (b).

or goats, and possessing the physical characteristics of an edible product, shall be transported from one State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, unless it is first denatured or otherwise destroyed for food purposes. The shipper shall not offer nor the carrier accept for interstate or foreign transportation any such article until it has been denatured or otherwise destroyed for food purposes as required by this section. The carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the following form: 1

'Date \_\_\_\_\_, 19\_\_ Name of carrier Consignor \_\_\_\_\_ \_\_\_\_\_\_ Point of shipment Consignee Destination \_\_\_\_\_

I hereby certify that the following described inedible meat or product, or inedible grease, inedible tallow, or other inedible fat, which is offered for shipment in interstate or foreign commerce has been denatured or otherwise rendered unavailable for food pur-

Kind of product Amount of weight .\_\_\_\_\_\_ (Signature of shipper

(Business or occupation of shipper)

(Address of shipper)

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Chief of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless he forwarded by him to the Chief of the Meat Inspection Division.

(b) As evidence to connecting carriers that the proper shipper's certificate is on file with the initial carrier, the waybills, transfer bills, running slips, conductor's cards, or other papers accompanying such shipments shall have embodied therein, stamped thereon, or attached thereto a signed statement in the following form:

(Name of transportation company)

Unsound, unwholesome, or otherwise unfit for human food, and denatured or otherwise rendered unavailable for food purposes, as evidenced by shipper's certificate on file with initial carrier.

(Signed) \_\_\_\_\_ Agent.

The signature of the agent shall be written in full.

§ 275.15 Certificates to be filed and retained by carriers for one year original certificates delivered to a carrier in accordance with this part shall be filed separate and apart from all its other papers and records and retained by it for one year, in order that they may be readily checked in such manner as the chief of division may from time to time prescribe.

§ 275.16 Diverting of shipments, breaking of seals and reloading by carrier in emergency; reporting to chief of divi-sion. (a) Shipments of inspected and passed product that bears the inspection legend may be diverted from the original destination without a reinspection of the articles, provided the waybills, transfer bills, running slips, conductor's card or other papers accompanying the shipments are marked, stamped, or have attached thereto signed statements in accordance with § 275.12.

(b) In case of wreck or other extraordinary emergency, the Department seals on a railroad car or truck containing any inspected and passed product may be broken by the carrier, and, if necessary, the articles may be reloaded into another car or truck, or the shipment may be diverted from the original destination, without another shipper's certificate; but in all such cases the carrier shall immediately report the facts by telegraph to the Chief of the Meat Inspection Division, Washington, D. C. Such report shall include the following information:

- (1) Nature of the emergency.
- (2) Place where seals were broken.
- (3) Original points of shipment and destination.
- (4) Number and initials of the original car or truck.
- (5) Number and initials of the car or truck into which the articles are reloaded.
  - (6) New destination of the shipment. (7) Kind and amount of articles.

§-275.17 Provisions in this part do not apply to specimens for laboratory examination, etc., or to inedible articles not having physical characteristics of edible products. (a) The provisions of this part do not apply.

(1) To specimens of product sent to or by the Department of Agriculture or branches thereof in Washington, D. C., or elsewhere, for laboratory examination,

exhibition purposes, or other official use;
(2) To material released for educational purposes under § 264.5 of this subchapter;

(3) To glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products, as provided for m § 268.15 (a) of this subchapter, and

(4) To hoofs, horns, hides, etc., or inedible grease, inedible tallow, or other inedible fats, which do not possess the physical characteristics of an edible product.

#### PART 276-FEDERAL FOOD, DRUG, AND COSMETIC ACT

§ 276.1 Federal Food, Drug, and Cosmetic Act; foods containing product derived from cattle, sheep, swine, goats, or horses, compliance with. (a) A food which contains product derived from cattle, sheep, swine, goats, or horses but which is not amenable to the Meat Inspection Act, is subject to the Federal Food, Drug, and Cosmetic Act (21 U.S.C., 301-392), if in interstate or foreign commerce.

(b) Product is exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application, or the extension thereto, of the Meat Inspection Act.

#### PART 277—IMPORTED PRODUCTS 1

Sec. 277.1 Application.

277.2 Importation of product prohibited if foreign meat inspection not equivalent of that in the United States.

When product, etc., prohibited entry; preservatives, misbranding, etc. 277.3

Importation of foreign inedible fats. 277.4 No product to be imported without compliance with regulations.

277.6 Imported products; foreign certificates required.

Importer to make application for inspection; information required. 277.7

Import meat or meat food products: division inspection; arrival, time and place; movement from port of

entry.
Import product; movement prior to inspection; sealing; handling; bond; facilities and assistance. 277.9

277.10 Import product; equipment of conveyances used in handling to be

maintained in sanitary condition. Burlap wrapping for foreign meat. Product imported; samples; inspec-277.11 tion of whole consignment; condemnations; exception; marking.

277.13 Receipts to importers for import meat samples.

277.14 Foreign canned and packaged meat and meat food product, bearing trade labels; sampling and inspection.

277.15 Foreign product offered for importation; reporting of findings to customs; handling and marking of articles refused entry; marking carcasses and parts.

277.16 Marking and labeling of product U.S. inspected and passed for importation; application of inspection legend.

277.17 Outside containers of foreign products; marking and labeling.

277.18 Small importations for consignee's

personal use; requirements.
277.19 Returned United States inspected and

marked product; not importations.
277.20 Imported product to be handled and transported as domestic; entry into official establishments; transportation

§ 277.1 Application. This part shall apply only to product derived from cattle, sheep, swine, and goats. The term United States, as used, includes Alaska. Hawaii, and Puerto Rico.

§ 277.2 Importation of product prohibited if foreign meat inspection not equivalent of that in the United States. Whenever it shall be determined by the Secretary of Agriculture that the system of meat inspection maintained by any foreign country is not the substantial equivalent of, or is not so efficient as, the system established and maintained by the United States, or that reliance can not be placed upon certificates required under this part from authorities of such

<sup>1</sup> See footnote 1, § 275.6 (b).

<sup>&</sup>lt;sup>1</sup> Imported product after admission into the United States is deemed and treated as a domestic article, subject to the Meat Inspec-tion Act and the Food, Drug and Cosmetic Act, and acts amendatory of, supplementary to or in substitution for such acts. (Act of June 17, 1930, sec. 306; 19 U.S.C. 306)

foreign country, due notice will be given of that fact by proclamation or otherwise, and thereafter no product as to which the inspection or certification is determined to be insufficient shall be admitted into the United States from such foreign country.

§ 277.3 When product, etc., prohibited entry; preservatives, misbranding, etc. (a) No product of a kind forbidden entry into, or forbidden to be sold or restricted in sale in, the country in which the animal from which it was derived was slaughtered, or in which the article was prepared or processed, shall be admitted into the United States.

(b) No product which contains or has been treated with any preservative, coloring matter, or other substance, except as permitted by Part 268 of this subchapter, shall be admitted into the United States. No article of a kind mentioned in § 268.10 of this subchapter, unless treated in compliance therewith, shall be admitted into the United States.

(c) No product which bears, or the container of which bears, any statement, design, or device prohibited by Part 267 of this subchapter or which fails to bear any qualifications with reference to added substances provided by Parts 266 and 267 of this subchapter, or which is in any respect misbranded or adulterated within the meaning of the Food, Drug, and Cosmetic Act, as amended, shall be admitted into the United States.

(d) No meat trimmings in pieces too small to permit of adequate inspection upon arrival shall be admitted into the

United States.

(e) No medible grease, medible tallow, or other rendered medible fat possessing the physical characteristics of an edible product shall be admitted into the United States for industrial use unless it has been first denatured or otherwise destroyed for food purposes and the containers have been marked in the manner prescribed by § 266.18 of this subchapter, except, that for the duration of the war and for six months thereafter, it will not be required that the ends of barrels, tierces, and other containers of medible rendered animal fat offered for importation into the United States be painted white. In lieu thereof, the ends may be painted any color desired or the painting may be omitted, provided there is a reasonable contrast between the background and the word "Inedible," which shall appear in letters at least two (2) inches high on the top and bottom of each container or on the sides near the top and bottom.

§ 277.4 Importation of foreign inedible fats. Foreign inedible rendered fats which do not possess the physical characteristics of an edible product are eligible for importation without restriction under this subchapter. Such importations need not be reported to the division.

§ 277.5 No product to be imported without compliance with regulations. No product offered for importation from any foreign country shall be admitted into the United States except upon compliance with all the requirements of this part applicable to it.

§ 277.6 Imported product; foreign certificates required. (a) Except as provided in paragraph (e) and § 277.18, each consignment containing any product consigned to the United States from a foreign country shall be accompanied with a foreign meat-inspection certificate in the following form:

#### FOREIGN OFFICIAL MEAT-INEFPORTION CERTIFICATE

\_ Date\_\_\_\_ (City) (Country)

I hereby certify that the meat and meat food products herein described were derived from cattle, sheep, swine, or goats which received ante-mortem and post-mortem vet-erinary inspections at the time of claughter, and that such meat and meat food products are sound, healthful, wholesome, and otherwise fit for human food, and have not been treated with, and do not contain, any preservative, coloring matter, or other substance not permitted by the regulations governing the meat inspection of the United States Department of Agriculture, filed with me, and that said meat and meat food products have been handled only in a canitary manner in this country.

Number of pieces

Kind of product	or packages	Weight
ConsignorAddressConsignee Destination Shipping marks_		
(Signature)		
	(Name of offic tional foreig ment authori sue inspecti cates for mea- food product to the Unite	n govern- zed to is on ecrtifi- t and meat s exported ed States)
(Official title)		

(b) Each foreign meat-inspection certificate shall be signed by an official authorized by the national government of the foreign country in which the product is inspected to sign and issue the same. Except as provided in paragraph (e) of this section, the name of each official authorized to sign and issue foreign meat-inspection certificates, when submitted to the department, will be published, and the chief of division shall file with each such official a copy of the regulations in this subchapter and copies of amendments which may hereafter be made thereto. No inspector shall accept a certificate unless it is signed by an official whose name has been published by the department and whose authority to sign certificates has not been revoked.

(c) Each foreign meat-inspection certificate shall contain a statement of the number of pieces or packages, and the total weight of each kind of product comprising the consignment, together with a description of the identification marks on the product or on the packages containing the same, a description of the shipping marks, the name and address of the consignor, the name of the consignee, and the final destination of the consignment in the United States and except as provided in paragraph (e) of this section shall be in the English language.

(d) The foreign meat-inspection certificate required by this section to accompany each consignment containing any product shall be delivered by the consignee, or his agent, in the United States to the division inspector at the place of inspection, and inspection of the product will not be commenced prior to such delivery.

(e) The foreign meat-inspection certificate of the national government of a foreign country, the form and substance of which has been approved by the acpartment and which is issued for any product, may be accepted in lieu of the certificate prescribed in paragraph (a. of this section, notwithstanding the fact that the name of the foreign official who signed the cartificate has not been pub-

lished by the department.

(f) Except as provided in § 277.18, each consignment of any product of a kind prepared customarily to be eaten without cooking (such as summer sausage, "Italian" and "Westphalia" hams, and the like) which contains any muscle tissue of pork, shall be accompanied, in addition to any other certificate required by this section, by a separate foreign meat-inspection certificate in the following form:

#### OFFICIAL MEAT-INSPECTION CERTIFICATE FOR PORE AND PORE PRODUCTS

(For shipment to the United States of articles of a kind prepared customarily to be eaten without cooking, which contain muscle tisque of pork.)

Date....

I hereby certify that the article or articles herein described are of a kind prepared customarily to be eaten without cooking, and contain muccle ticque of pork, which, when fresh or freshly cured in salt, were subjected to a temperature not higher than five (5) degrees F. for not less than twenty (20) days, or otherwise treated as specified by the Chief of the Meat Inspection Division, and that cald articles contain no muscle tissue of port which has not been treated as herein speci-

	Number of pieces of	r
Kind of product	packages	
	arks on meats a	nd pack-
Consignor	Address	
Consignee	Destination .	
	re)	
\ <del>-</del> -5	(Name of official	
	tional foreign	govern-
	ment autho	rized to
	issue inspectio	on certifi-
	cates for meat	and meat
	food products	exported
	to the Unite	
(Official ti	tle)	

Note: A certificate in the above form is required to accompany each consignment of any product of a kind prepared customarily to be eaten without coeffing (such as summer caucage, "Italian" and "Westphalia" hame, and the like), which contains any muccle ticque of park. This certificate is to be delivered by the consignee, or his agent, to the inspector of the Meat Inspection Division at the point of inspection in the United States.

Each such foreign meat-inspection certificate shall be subject to the provisions of paragraphs (b) to (d), inclusive, of this section.

§ 277.7 Importer to make application for inspection, information required. Each importer shall make application for inspection to the inspector in charge, if one be stationed at the port where any o product is to be offered for importation, or, if not, to the Chief of the Meat Inspection Division, Department of Agriculture, Washington, D. C., as long as possible in advance of the anticipated arrival of each consignment, except in the case of consignments of product expressly exempted from inspection by § 277.18. Each application shall state the approximate date on which the consignment is due to arrive in the United States, the name of the boat or other carrier transporting it, the name of the country from which the product was shipped, the place of destination, the quantity and kind of the product, and whether fresh, cured, or canned. In case of consignments arriving in the United States by water, the application should also state the port of first arrival in the United States.

§ 277.8 Import meat or meat food products; division inspection, arrival, time and place; movement from port of entry. (a) Except as provided in § 277.13, all products offered for importation from any foreign country, shall be inspected by a division inspector before the same shall be admitted into the United States.

(b) All products required by this part to be inspected, which arrive in the United States by water at any port where a division inspector is stationed, shall be inspected on the wharf at the time of unloading, except that if, upon the application of the consignee, or his agent, the inspector in charge at such port shall so direct, the articles may be inspected at any other place within the limits of the port or shipped to destination for inspection, if an inspector of the division is stationed at destination.

(c) All products required by this part to be inspected, which arrive in the United States by water at any port where a division inspector is stationed, and which are consigned to any place where no division inspector is stationed, shall be inspected on the wharf at the time of unloading.

(d) All products required by this part to be inspected, which arrive in the United States by water at a port where no division inspector is stationed and which are consigned to any place where a division inspector is stationed, shall be inspected at destination.

(e) All products required by this part to be inspected, which arrive in large quantities in the United States by water at a port where no division inspector is stationed and which are consigned to any place where no division inspector is stationed, shall be inspected at such place as the Chief of the Meat Inspection Division, Washington, D. C., on application of the consignee or his agent, or upon the request of the customs officer at the port of arrival, shall direct.

(f) All products required by this part to be inspected, which arrive in small

quantities (less than carload lots) in the United States by water at a port where no division inspector is stationed and which are consigned to any place where no division inspector is stationed, shall be shipped in customs custody under seal to the nearest point where an inspector of the division is stationed for inspection at that point.

(g) All products required by this part to be inspected, which arrive in the United States otherwise than by water and which are consigned to any place where a division inspector is stationed, shall be inspected at destination.

(h) All products required by this part to be inspected, which arrive in carload lots in the United States otherwise than by water, and which are consigned to any place where no division inspector is stationed, shall proceed to destination in customs custody under seal for inspection at destination. In such cases the inspector of the division or the customs officer at the border port shall immediately telegraph the Chief of the Meat Inspection Division, Washington, D. C., all facts in connection with the shipment. Upon receipt of such telegraphic information the chief of division shall detail an inspector to the point where products are destined to make the required inspection.

(i) All products required by this section to be inspected and which arrive in less than carload lots in the United States otherwise than by water at a border port where an inspector of the division is stationed, and which are consigned to any place where no division inspector is stationed, shall be inspected by the inspector of the division at the border port.

(j) All products required by this part to be inspected and which arrive in less than carload lots in the United States otherwise than by water at a border port where no inspector of the division is stationed, and which are consigned to any place where no division inspector is stationed, shall proceed in customs custody under seal to the nearest point where an inspector is stationed for inspection at that point.

(k) No product required by this part to be inspected shall be moved, prior to inspection, from the port of first arrival in the United States, or, if arriving by water, from the wharf where unloaded, unless the same is conveyed in cars, wagons, or other vehicles, sealed, or in packages corded and sealed, in compliance with § 277.9.

(1) Foreign chilled fresh meat shall be inspected in the same manner as domestic chilled fresh meat.

(m) A 10 percent sample inspection shall be made of each consignment of foreign frozen fresh meat, and if a considerable portion of the samples exammed are found to be in an inacceptable condition then a 100 percent inspection of the consignment, including defrosting if necessary, shall be made.

(n) Foreign canned products are required to be sound, healthful, wholesome, and otherwise fit for human food at the time they are offered for importation into the United States. Therefore, consignments of such products containing more than one-fourth of 1 percent of unsound or suspicious cans (leakers.

swellers, short vacuums, overstuffed), or both, will not be passed for entry. The initial inspection of foreign canned products shall consist of a 5 percent sample inspection. If more than one-fourth of 1 percent of unsound or suspicious cans (leakers, swellers, short vacuums, overstuffed) or both, are found upon initial sample inspection, then an additional sample inspection of not more than 5 percent shall be made, and if the percentage of unsound or suspicious cans, or both. still exceeds one-fourth of 1 percent the matter shall be referred to the division and the product held in customs custody pending further instructions.

(o) Forms FDA 410-4 and 410-5 [superseding MI 109-FF and 109-FF (special) ] shall be issued by inspectors of the division or customs officers at border or seaboard ports for reporting the sealing of cars, wagons, other vehicles, and packages of foreign products to division inspectors in charge at points where such product is to be inspected.

(p) Rubber stamps will be furnished upon requisition for marking customs and transportation papers to show that foreign products are passed for entry. refused entry condemned, or are transported in customs custody to interior points in the United States for inspection.

§ 277.9 Import product; movement prior to inspection, sealing; handling; bond, facilities and assistance. (a) Cars. wagons, other vehicles, or packages in which any product is conveyed in accordance with this part, prior to inspection, from the port of first arrival in the United States, or, if arriving by water, from the wharf where unloaded, unless already sealed with customs or consular seals in accordance with the customs regulations, shall be sealed with special import-meat seals of the Department of Agriculture. Packages shall be securely corded before being offered for sealing. Such special seals shall be affixed by division inspectors, or, if there be no division inspector at such port or wharf, then by customs officers.

(b) No person shall affix, break, alter, deface, mutilate, remove, or destroy any special import-meat seal of the Department of Agriculture, except customs officers or division inspectors or as provided for in paragraph (h) of this section.

(c) No product shall be removed from any car, wagon, other vehicle, or package sealed with a special import-meat seal of the Department of Agriculture except under the supervision of a division inspector or a customs officer, or as provided for in paragraph (h) of this section.

(d) No product required by this part to be inspected shall be moved, prior to inspection, from any port, or, if arriving by water, from the wharf where first unloaded, to any place other than the place designated by or in accordance with, this part as the place where the same shall be inspected.

(e) No product required by this part to be inspected shall be conveyed, prior to inspection, from any port, or, if arriving by water, from the wharf where first unloaded, in any manner other than in compliance with this part.

(f) No product required by this part to be inspected shall be delivered to the consignee or his agent prior to inspection, unless the consignee shall furnish a bond, in form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through the customs.

(g) The consignee or his agent shall furnish such facilities and shall provide such assistants for handling and marking product offered for importation as division inspectors may require.

- (h) In case of a wreck or similar extraordinary emergency, the special import-meat seal of the Department of Agriculture, on a car, wagon, or other vehicle, may be broken by the carrier, and, if necessary, the articles may be reloaded into another car, wagon, or other vehicle for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Chief of the Meat Inspection Division, Washington, D. C. Such report shall include the following information:
- 1. Nature of the emergency.
- 2. Place where seals were broken.
- 3. Points of chipment and destination.
- 4. Identity of the conveying vehicle, such as the initials and number of the car.
  5. Identity of the vehicle into which the
- articles are loaded.

  6. Kind and amount of articles.
- § 277.10 Import product; equipment of conveyances used in handling to be maintained in sanitary condition. Compartments of steamships, sailing vessels, railroad cars, and other conveyances transporting any product to the United States, and all trucks, chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any product offered for importation into the United States, shall be maintained in a sanitary-condition.
- § 277.11 Burlap wrapping for foreign meat. The use of burlap as a wrapping for foreign meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign material.
- § 277.12 Product imported; samples; inspection of whole consignment; condemnations; exception; marking. (a) Division inspectors shall take, without cost to the United States, from each consignment offered for importation, samples of any product which is subject to analysis, except that samples of any product offered for importation without inspection under § 277.18 shall not be taken unless there is reason for suspecting the presence therein of a substance in violation of that section.
- (b) If the inspection of samples indicates that any product offered for importation into the United States is unsound, unhealthful, unwholesome, or otherwise unfit for human food, a thorough inspection of the whole consignment from which the samples were taken shall be made.
- (c) Carcasses and parts of carcasses offered for importation from which such tissues as the peritoneum, pleura, body

lymph glands, or the portal glands of the liver have been removed, shall be refused entry.

(d) Any product offered for importation which is found upon inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, or to contain any dye, chemical, preservative or ingredient not permitted by Part 263 of this subchapter, or which is of a kind required by § 277.3 (a) to be refused admission, shall be condemned and marked "U.S. inspected and condemned," except that, upon application to the inspector, any product which is found to contain preservatives not permitted by this subchapter, but in the preparation or packing of which no substance has been used in conflict with the laws of the foreign country from which exported, and which is not found to be otherwise unsound, unhealthful, unwholesome, or unfit for human food, may be marked "U. S. refused entry." Any product offered for importation which is found upon inspection not to comply with this part but which is not of a kind required to be marked "U. S. inspected and condemned" shall be designated "U. S. refused entry" or designated and marked "U. S. refused entry" as directed by the inspector in charge, depending upon the inspectional findings.

(e) Any product, or the container thereof, offered for importation from any foreign country and accompanied with a foreign certificate of inspection as required by this part, which, upon inspection by division inspectors, is not found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, or to contain any dye, chemical, preservative, or ingredient not permitted by Part 268 of this subchapter, or to violate this part in any respect shall be marked "U. S. inspected and passed by Department of Agriculture," or with an authorized abbreviation of the inspection legend, and with the official name or abbreviation of the station to which the inspector is assigned. All product so marked, in compliance with this part, shall, so far as the Dapartment of Agriculture has jurisdiction over the same, be admitted into the United States.

§ 277.13 Receipts to importers for import meat samples. In order that importers may be assured that samples of foreign products collected for laboratory examination are to be used exclusively for that purpose, receipts shall be issued and delivered to importers, or their agents, by inspectors for all samples of foreign products collected. The receipt shall be prepared in duplicate on official stationery, over the signature of the inspector who collects the samples, and shall show the name of the importer, country of origin, amount and kind of product collected, date of collection, and that it was collected for laboratory examination. The duplicate copy of the receipt shall be retained by inspectors in charge as their office record.

§ 277.14 Foreign canned and packaged meat and meat food product, bearing trade labels; sampling and inspection.

(a) Samples of foreign canned and packaged products bearing trade labels which have not been approved shall be

collected and forwarded to the laboratory for examination, and the products shall be held pending receipt of the report of the laboratory findings and the results of the examination of trade labels and the marks on shipping containers.

(b) Foreign canned and packaged products bearing trade labels and other markings which have been approved and numbered shall be inspected for soundness and checked for net weight. Check samples may be collected for laboratory examination, but the products need not be held pending the report of laboratory findings.

(c) A single unopened can with all marks and labels intact shall constitute a minimum sample of canned products.

(d) A number of cans sufficient in the judgment of division inspectors to be representative of the whole consignment shall be taken from more than one case when consignments of foreign canned products consisting of large numbers of small cans are sampled.

§ 277.15 Foreign product offered for importation; reporting of findings to customs; handling and marking of articles refused entry; marking carcasses and parts. (a) Division inspectors shall report their findings as to any product which has been inspected in accordance with this part, to the collector at the port where the same is offered for clearance through the customs, and shall request the collector to refuse admission to all product which is marked "U. S. inspected and condemned" or designated "U. S. refused entry" or designated and marked "U.S. refused entry," and to direct that the same be exported by the consignee within a specified time, unless the consignee, within such specified time, shall cause the destruction thereof for food purposes under the supervision of a division inspector. Such specified time shall be 30 days after such notice to customs officers, unless a different time be fixed by the chief of division upon application to him. If any such product be destroyed for food purposes under the supervision of a division inspector, he shall give prompt notice thereof to the collector.

- (b) Upon the request of the collector, consignees shall, at their own expense, immediately return to him any product which is marked "U. S. inspected and condemned" or designated "U. S. refused entry" or designated and marked "U. S. refused entry" or which in any respect does not comply with this part. All such product shall be conveyed in cars, wagons, or other vehicles, or in corded packages, sealed with the special importment seal of the Department of Agriculture.
- (c) No person shall remove or cause to be removed from any place designated by, or in accordance with, this subchapter as a place of inspection, any product which this subchapter requires to be marked in any way, unless the same has been clearly and legibly marked in compliance with this subchapter.
- (d) The marks required by § 277.12 (d) and (e) shall be applied by branding to carcasses and parts of carcasses offered for importation which are unwrapped or not enclosed in a container. Not less

than one brand shall be applied to each quarter of a beef carcass.

- § 277.16 Marking and labeling of product U.S. inspected and passed for importation, application of inspection legend. (a) In addition to the name of the country of origin, which shall be preceded by the words "product of," product offered for importation, whether or not enclosed in an immediate or true container, shall bear such other marks, stamps, brands, or labels as are necessary for compliance with Part 266 of this subchapter. When such marks are imprints of stamps or brands and are made with branding ink, the latter shall be harmless and of a kind to give permanency to the imprints. In case the name of the country of origin appears as part of an official stamp or brand of the national, government and such name is prominently and legibly displayed, the words 'product of" may be omitted from such marking.
- (b) The immediate or true container, of product offered for importation shall bear a label showing (1) the name of product; (2) the name of the country of origin preceded by the words "product of," which statement shall appear immediately under the name of product; (3) the word "ingredients" followed by a list of the ingredients in case of product fabricated from two or more ingredients but not product for which definitions and standards of identity have been prescribed by this subchapter; (4) the name and place of business of the manufacturer, packer, or distributor, qualified by a phrase which reveals the connection that such person has with the product, no part of which statement shall be misleading; and (5) an accurate statement of the quantity of contents. The labeling required in this subparagraph for containers shall be in addition to the marking of the product under paragraph (a) of this section.
- (c) (1) All outside containers of product which have been inspected and passed in compliance with this part shall be marked by the inspector, or under his supervision, "U.S. inspected and passed by Department of Agriculture," or authorized abbreviation thereof and with the name or abbreviation of the name of the official station having jurisdiction over the inspection. As the printed matter on the ends of shipping containers of foreign canned meats makes it difficult to apply a legible mark of inspection with the large rectangular import-meat brand, the 2½ inch circular rubber 1mport-meat brand bearing an authorized abbreviation of the inspection legend and the abbreviated name of the official station 'may be used in lieu thereof for marking shipping containers of canned meats which conform to the requirements of this part.
- (2) To each immediate or true container of product which has been inspected and passed in compliance with this part and which is to be removed from the outside container at a place other than an official establishment, and thereafter to be transported in interstate or foreign commerce or to an official establishment, there shall be se-

curely affixed, under the supervision of an inspector, a sticker, approved by the chief of division, bearing an inspection legend and an identifying serial number.

- (3) To each immediate or true container of product which has been inspected and passed in compliance with this part and which is removed from an outside container at an official establishment, a sticker bearing an inspection legend and the establishment number shall be securely affixed, before the same shall be allowed to leave the establishment.
- § 277.17 Outside containers of foreign product; marking and labeling. (a) Outside containers in which true containers of foreign products are shipped to the United States are required to bear the true name of the product and the name of the country of origin in a prominent and legible manner.
- (b) Stencils, box dies, and brands on outside containers of foreign products need not be submitted to the Washington office for approval. However, such marks shall be carefully examined by inspectors, and if it is found that they are false or deceptive the products shall be refused entry.
- (c) The marks of inspection of foreign governments embossed on metal containers or branded on carcasses or parts thereof need not be submitted for approval.
- (d) All labels and marks on immediate or true containers as well as private brands on carcasses of parts of carcasses shall be submitted for approval, except as provided in paragraph (c) of this section.
- § 277.18 Small importations for consignee's personal use; requirements. (a) Any product offered for importation in small quantity exclusively for the personal use of the consignee, and not for sale or distribution, which is sound, healthful, wholesome, and fit for human food, and contains no dye, chemical, preservative, or ingredient not permitted by Part 268 of this subchapter, and which is not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act, as amended, may be admitted into the United States without foreign meat-inspection certificates and without inspection and marking; but division inspectors may inspect any product offered for importation under this paragraph if there is reason for suspecting that it is unsound, unhealthful, unwholesome, or otherwise unfit for food, or contains any dye, chemical, preservative, or ingredient not permitted by Part 268 of this subchapter, or is adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act, as amended.
- (b) No product offered for importation under paragraph (a) of this section shall be admitted into the United States if it is unsound, unhealthful, unwholesome, or otherwise unfit for human food, or if it contains any dye, chemical, preservative, or ingredient not permitted by part 268, or if it is adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act, as amended.
- (c) No carrier shall transport or receive for transportation from one State or

Territory or the District of Columbia to or through any other State, Territory, or the District of Columbia, or to any place under the jurisdiction of the United States, any product exempted from inspection and admitted into the United States in compliance with this section unless the shipper shall make and deliver to the carrier a certificate in duplicate in the following form:

	Date, 19
Name of carr	ier
Shipper	
Point of ship	ment
Consignee	

I hereby certify that the following-described meat or meat food products, offered for transportation in interstate commerce, were imported into the United States exclusively for the personal use of the consignee, and not for sale or distribution, and are exempted from inspection by the regulations governing, the meat inspection of the United States Department of Agriculture.

Kind of product.	Amount and weight
	~~~~~~~~~~~~~~~~~~~~~~
(Sig	gnature of shipper)
(Ac	fdress of shipper)

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the shipment of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Chief of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Chief of the Meat Inspection Division. All waybills, transfer bills, running slips, or conductor's cards accompanying an interstate shipment of any product transported in compliance with this section shall have embodied therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the shipper's certificate required by this section is on file with the initial carrier; and no connecting carrier shall receive for transportation or transport any interstate shipment of any product under this section unless the waybill, transfer bill, running slip, conductor's card, or other paper, accompanying the same includes the aforesaid signed statement, in the following form:

(Name of transportation company)

Imported for the personal use of consignee and exempt from inspection, as evidenced by shipper's certificate on file with initial carrier.

(Signed) \_\_\_\_\_\_ Agent.

The signature of the agent shall be written in full.

§ 277.19 Returned United States inspected and marked product; not importations. United States inspected and passed and so marked products returned from foreign countries are not importations within the meaning of this part. Such return shipments shall be reported to the division by letter and not on Form FDA 410-2 (superseding MI 109-J rev.)

<sup>&</sup>lt;sup>1</sup> See footnote 1, § 275.6 (b).

\*§ 277.20 Imported product to be handled and transported as domestic; entry into official establishments; transportation. (a) All imported product, after admission into the United States in compliance with this part shall be deemed and treated, and, except as provided in § 277.18 (c) shall be handled and transported as domestic product, and shall be subject to the provisions of this subchapter and to the provisions, prohibitions, and penalties of the Meat Inspection Act.

(b) Imported product inspected. passed, and marked in accordance with this part may, subject to the provisions of § 268.4 (a) of this subchapter, be taken into official establishments and be mixed with or added to product in such establishments which has been inspected and

passed therein.

(c) Imported product which has been inspected, passed, and marked under this part may be transported from one State or Territory of the District of Columbia to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, only upon compliance with Part 275 of this subchapter.

#### PART 278-DEFINITIONS AND STANDARDS OF \*IDENTITY

§ 278.1 Oleomargarine; identity; label statement of optional ingredients. (a) Oleomargarine is the plastic food prepared with one or more of the optional fat ingredients named under one of the following subparagraphs (1), (2), (3) or (4)

(1) The rendered fat, or oil, or steam derived therefrom (any or all of which may be hydrogenated) of cattle, sheep, swine, or goats, or any combination of

two or more of such articles.

(2) Any vegetable food fat or oil, or oil or stearm derived therefrom (any or all of which may be hydrogenated) or any combination of two or more of such articles.

(3) Any combination of ingredients named under subparagraphs (1), and (2) of this paragraph in such proportion that the weight of the ingredients named under (1) either equals the weight of the ingredients named under (2) or exceeds such weight by a ratio not greater than 9 to 1.

(4) Any combination of ingredients named under subparagraphs (1) and (2) of this paragraph in such proportion that the weight of the ingredients named under (2) exceeds the weight of the ingredients named under (1) by a ratio not

greater than 9 to 1.

One of the five following articles is intimately mixed with the fat ingredient or ingredients, after such article has been pasteurized and subjected to the action of harmless bacterial starters:
(i) cream, (ii) milk, (iii) skim milk, (iv) any combination of dried skim milk and water in which the weight of the dried skim milk is not less than 10 percent of the weight of the water, or (v) any mixture of two or more of these. (The term "milk" as used herein means cow's milk.) Congealing is effected, either\_

with or without contact with water, and the congealed mixture may be worked. In the preparation of oleomargarine one or more of the following optional ingredients may also be used:

(5) Artificial coloring.

(6) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished product.

(7) Vitamin A, added as fish liver oil or as a concentrate of vitamin A from fish liver oil (with any accompanying vitamin D and with or without added vitamin D concentrate), in such quantity that the finished oleomargarine contains not less than 9,000 United States Pharmacopoeia Units of vitamin A per pound.

(8) The artificial flavoring diacetyl added as such, or as starter distillate, or produced during the preparation of the product as a result of the addition of citric acid or harmless citrates.

(9) (i) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (ii) monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iii) such monoglycerides and diglycerides in combination with the sodium sulfo-acetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iv) a combination of (i) and (ii) in which the amount of neither exceeds that above stated, or (v) a combination of (i) and (iii) in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine. (The weight of diglycerides in each of ingredients (ii), (iii), (iv), and (v) is calculated at one-half actual weight.)

(10) Butter.

(11) Salt.

The finished oleomargarine contains not less than 80 percent fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 4th Edition, 1935, page 289, or 5th Edition, 1940, page 298, under "Indirect Method-Official."

(b) When any ingredient named under one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall, except as hereinafter provided, bear the statement set forth below after the number of such subparagraph:

Subparagraph (1) "Prepared from Animal Fat." or "Made from Animal Fat."
Subparagraph (3) "Prepared from Animal and Vegetable Fats," or "Made from Animal and Vegetable Fats."

and Vegetable Fats."

Subparagraph (4) "Prepared from Vegetable and Animal Fats," or "Made from Vegetable and Animal Fats."

Subparagraph (5) "Artificially Colored," or "Artificial Coloring Added," or "With

Added Artificial Coloring."

Subparagraph (6) · "Sodium Benzoate (or, as the case may be, 'Benzolc Acid' or 'Sodium Benzoate and Benzoic Acid') Added as a Preservative," or "With Added Sodium Benzoate (or, as the case may be, Benzolc Acid' or Sodium Benzoate and Benzolc Acid') as a Preservative," stating the percent

Subparagraph (7). "Vitamin A Added," or "With Added Vitamin A."

Subparagraph (8) "Artificially Flavored," r "Artificial Flavoring Added," or "With Added Artificial Flavoring."

Where oil is used, the word "oil" may be substituted for "fat" in the label statement. In lieu of the word "animal" or "vegetable" in any such statement, the common or usual name of the fat ingredient may be used. If two or more of the optional ingredients named in subparagraphs (5) (6), (7), and (8) of this paragraph are used, the words "added" or "with added" need appear only once, either at the beginning or end of the list of such ingredients declared. The declaration of vitamin A may include the number of United States Pharmacopoeia Units which have been added.

Whenever the name "oleomargarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

PART 279-INSPECTION AND HANDLING OF HORSE MEAT AND PRODUCTS THEREOF

279.1 Establishments required to have inspection.

279.2 Slaughter of horses and preparation of meat thereof; separate establishmonts.

279.3 Affections requiring condemnation on ante-mortem or post-mortem in-spection; glanders and dourine suspects.

279.4 Horse carcasses, meat and meat food products thereof; marking and labeling.

279.5 Horse meat or meat food products thereof; domestic meat labels.

279.6 Export home meat and horse-meat products; stamps and certificates. 279.7

Horse-meat certificates for Norway. 279.8 Certification of horse meat for The Notherlands.

279.9 Applicability of meat inspection regulations to horse meat and meat food products thereof.

§ 279.1 Establishments required to have inspection. Every establishment in which horses are slaughtered for transportation or sale as articles of interstate or foreign commerce, or in which carcasses, parts of carcasses, meat, or meat food products of, or derived from horses are, wholly or in part, canned, cured, smoked, salted, packed, rendered, or otherwise prepared for transportation or sale as articles of interstate or foreign commerce which are capable of being used as food for man, shall have inspection under the provisions of this subchapter.

§ 279.2 Slaughter of horses and preparation of meat thereof; separate establishments. The slaughter of horses and the preparation and handling of the meat and meat food products thereof shall be conducted in establishments separate and apart from any establishment in which cattle, sheep, swine, or goats are slaughtered, or the meat or meat food products thereof are prepared. of the other regulations in this subchapor handled. or handled. ter unless specifically inapplicable, are

§ 279.3 Affections requiring condemnation on ante-mortem or post-mortem inspection, glanders and dourine suspects. (a) All horses found upon either ante-mortem or post-mortem inspection or examination to be affected with strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders, farcy, or other malignant disorder, acute inflammatory lameness or extensive fistula, shall be condemned.

(b) Any horse which is suspected on ante-mortem inspection of being infected with glanders shall be tested with mallein; and any horse which on physical examination is suspected of being affected with dourine shall be held for further examination or for such test as the chief of division may prescribe.

§ 279.4 Horse carcasses, meat and meat food products thereof marking and labeling. All horse carcasses, parts of carcasses, meat and meat food products thereof shall be conspicuously labeled, marked, branded, or tagged "horse meat" or "horse-meat product." Only green ink shall be used in branding horse meat and horse-meat product with the mark of inspection.

§ 279.5 Horse meat or meat food products thereof domestic meat labels. The domestic meat labels for horse meat or meat food products thereof shall be printed on paper, light green in color. The legend composing the body of each label shall be as follows: "The horse meat or meat food product thereof contained herein has been U. S. inspected and passed by Department of Agriculture," and in lieu of the phrase "domestic meat label" there shall be printed thereon the phrase "domestic horse meat or horse-meat product."

§ 279.6 Export horse meat and horsemeat product; stamps and certificates. Numbered stamps and certificates printed on paper light green in color, to be known as export horse-meat stamps and certificates, shall be issued to identify all horse-meat and meat food products thereof packed for export. Such stamp or stamps and certificate shall be issued for each consignment of horse meat or meat food product thereof forwarded from the United States.

§ 279.7 Horse-meat certificates for Norway. In accordance with the regulations of Norway, export certificates for horse meat or horse-meat product exported from the United States to Norway are required to be visaed by Norwegian consuls in the United States.

§ 279.8 Certification of horse meat for The Netherlands. Inspectors will issue Form FDA 412-9 (superseding M. I. 169) for horse meat and horse-meat product destined to The Netherlands, in addition to the export horse-meat certificates.

§ 279.9 Applicability of meat inspection regulations to horse meat and meat food products thereof. All the provisions

of the other regulations in this subchapter unless specifically inapplicable, are hereby made applicable to the inspection and handling of horse meat and meat food products thereof and the animals from which they are derived.

ASHLEY SELLERS, Acting Administrator

March 24, 1945.

[F. R. Doc. 45-4777; Filed, Mar. 24, 1945; 3:38 p. m.]

#### TITLE 22—FOREIGN RELATIONS

Chapter I-Department of State

Subchapter B—The Foreign Service [Foreign Service Regs. S-2]

PART 112—INTERCOURSE WITH FOREIGN GOVERNMENTS

#### REPRESENTATION OF FOREIGN INTERESTS

Pursuant to the authority vested in me by R.S. 161 (5 U.S.C. 22) by Executive Order 9452 of June 26, 1944 (9 F.R. 7183), as amended by Executive Order 9514 of January 18, 1945 (10 F.R. 771) and by Executive Order 9521 of February 13, 1945 (10 F.R. 1991) § 112.3 is amended and §§ 112.4, 112.5 and 112.6 are added as set forth below.

§ 112.3 Representation of foreign interests; general nature of function. The representation of foreign interests is essentially friendly mediation on the part of one power (generally known as the "protecting power") in behalf of nationals or other interests of a second power (generally known as the "represented power") within territory subject to the sovereignty or control of a third power (which for convenience is referred to in these regulations as the "governing power") While the representation of foreign interests involves primarily the exercise of good offices, it has become sufficiently formalized to permit of distinction between the occasional exercise of informal good offices and the more comprehensive forms of representation. The representation of foreign interests assumes particular importance in time of war, when a neutral power undertakes in behalf of a belligerent power the care and protection of its interests within the territory of an opposing belligerent power. The representation of the interests of a foreign power at war with the country to which a Foreign Service officer is accredited or assigned calls for the exercise of special care in order to maintain his position as an officer of a neutral power whose interests it is his primary duty to conserve. The representation of foreign interests is not necessarily associated with a state of war, however; and may occur as a result of a severance of diplomatic relations or merely because the represented power chooses to withdraw, partially or fully, or not to establish, its own diplomatic or consular representation within the area where the representation of its interests is undertaken by a protecting power.

§ 112.4 Assumption of representation. Except in extreme emergencies, American diplomatic and consular officers should undertake the representation of foreign interests only if specifically authorized by the Department of State to do so. A power seeking representation of its interests in a specified area by the United States generally addresses to the United States Government through the customary diplomatic channel a formal request to that effect. If the United States Government accedes to the request, the Department of State issues appropriate instructions to the American diplomatic and consular officers concerned. If requested by a diplomatic or consular officer of another power to undertake the representation of its interests within the country to which he is assigned, an American diplomatic or consular officer should suggest in reply, that his colleague's government address the request to the United States Government through the customary diplomatic channel. He should at the same time, report the matter fully to the Department of State, which if convinced of its urgency will usually authorize the provisional assumption of such representation pending the receipt of a formal request. The report to the Department should include information with respect to the following points:

(a) The form of representation requested;

(b) The specific area in which representation would be exercised;

(c) The origin of the request (whether made at the direction of the power that would be represented, or upon the initiative of its diplomatic or consular officer making the request)

If representation has been undertaken without advance authorization, a detailed report, including the information specified above and a full explanation of the extreme emergency deemed sufficient to justify such action, should be submitted immediately.

§ 112.5 Restrictions on diplomatic and consular officers in representing foreign interests. Diplomatic and consular officers of the protecting power are not considered to be officers of the represented power. They report to and receive instructions from their own government only, which communicates to the represented power reports received, and ascertains its wishes concerning services to be performed, in connection with the representation of its interests. Diplomatic officers of the protecting power are not accredited to the governing power in the capacity of diplomatic officers of the represented power, and consular officers of the protecting power do not receive from the governing power exequature as consular officers of the represented power. American diplomatic and consular officers are expressly prohibited from performing any duty for a foreign government that involves the acceptance of an office. Since they cannot under the Constitution hold commissions as officials of the represented power, they should not display its coat of arms or its flag, nor employ its seal or the seal of any of its diplomatic or consular offices, in connection with the representation of its interests.

§ 112.6 Performance of services. The United States Government does not authorize its officers engaged in the representation of foreign governments to perform services requiring the application or interpretation on their part of laws and regulations of the represented countries. Such functions shall be performed only upon the basis of information obtained from the represented power indicating the application of laws and regulations appertaining to each individual case or upon the basis of a general statement from the same source of principles applicable alike to all cases.

In accordance with Executive Order 9521 of February 13, 1945 (10 F.R. 1991), it is determined that the subject matter of that part of Executive Order 8077 of April 4, 1939, establishing Chapter XII, section 3, of the Foreign Service Regulations of the United States (22 CFR, Cum. Supp., 112.3) is covered by § 112.3 of the present regulation, which is designed and intended to supersede the above mentioned part of Executive Order 8077. In consequence whereof said part of Executive Order 8077 has no further force and effect.

This regulation shall become effective immediately upon filing with the Division of the Federal Register.

For the Secretary of State.

[SEAL]

J. C. HOLMES, Assistant Secretary.

March 27, 1945.

[F. R. Doc. 45-4950; Filed, Mar. 27, 1945; 4:39 p. m.]

> PART 120-MISCELLANEOUS [Foreign Service Regulations S-3]

SERVICES FOR DISTRESSED AMERICAN CITIZENS ABROAD

Pursuant to the authority vested in me by R.S. 161 (5 U.S.C. 22) by Executive Order 9452 of June 26, 1944 (9 F.R. 7183) as amended by Executive Order 9514 of January 18, 1945 (10 F.R. 771), and by Executive Order 9521 of February 13, 1945 (10 F.R. 1991) § 120.3 (Chapter XX, section 3 of Foreign Service Regulations of the United States) is amended to read as follows:

§ 120.3 Services for distressed American citizens abroad. Officers of the Foreign Service shall extend every possible aid and assistance within their power to distressed American citizens within their districts, but they shall not expend the funds nor pledge the credit of the Government of the United States for this purpose, except in the case of American seamen, or except as specifically authorized by the Department of State in specific cases or categories of cases.

In accordance with Executive Order 9521, it is determined that the subject matter of that part of Executive Order 8547 of September 24, 1940, establishing Chapter XX, section 3 of the Foreign Service Regulations of the United States (22 CFR, Cum. Supp., 120.3) is covered by the present regulation which is designed and intended to supersede the above men-

tioned part of Executive Order 8547. In consequence whereof said part of Executive Order 8547 has no further force and

This regulation shall become effective immediately upon filing with the Division of the Federal Register.

For the Secretary of State.

[SEAL]

J. C. HOLMES, Assistant Secretary.

March 27, 1945.

[F. R. Doc. 45-4931; Filed, Mar. 27, 1945; 4:39 p. m.]

#### TITLE 29—LABOR

Chapter VI-National War Labor Board

PART 803-GENERAL ORDERS

WAGE RATES IN EXCESS OF MINIMUM

The National War Labor Board has amended sections II-F-1 and II-F-2 of General Order No. 31 to read as follows:

§ 803.31 Schedules. \* \*

II. • • •

Restrictions on hiring employees at rates in excess of the minimum rate of the properly established rate range for a given

10b classification.

1. Existing establishments. An employer shall hire employees at the minimum of the properly established rate range for a given job classification: Provided, however, an employee who has special ability and experlence may be hired at a rate within the range corresponding to such ability and experience. But an employer may not, within a given year (which shall be the same year as the one used by the employer in calculating the average amount of merit or length of service increases given under cection II-C-1 of this general order), hire more than 25 percent of all the employees hired in his establishment, for job classifications for which rate ranges have been established, at rates in excess of the minima of such rate ranges for such job classifications. In any establishment in which fewer than four employees are hired within the year, for such job classifications, one employee who has special ability and experience may be hired at a rate in excess of the minimum rate of the properly established rate range. If an employer has a plan properly in existence (as defined in this general order) which operates so that some percentage of employees other than 25 percent may be hired at rates above the appropriate minimum rates, such plan may be continued in effect. All other employers are subject to the provisions of this or the following subsections (II-F-1, II-F-2, II-F-3).

2. New establishments or new departments in existing establishments. An employer shall hire employees at the minimum of the properly established rate range for a given job classification: Provided, however, That an employee who has special ability and experience may be hired at a rate within the range corresponding to such ability and experience. But an employer may not within the first year of operation hire more than 50 percent of all the employees hired in his establishment, for job classifications for which rate ranges have been established, at rates in excess of the minima of such rate ranges for such job classifications. During

all subsequent years of operation, no more than 25 percent of all the employees hired in his establishment for such job classifications may be hired at rates in excess of the minima of such rate ranges for such job classifications. In any establishment in which fewer than four employees are hired within the year, for such job classifications, one employee who has special ability and experience may be hired at a rate in excess of the minimum rate of the properly estab-lished rate range. If, after the first year of operation, an employer has a plan properly in existence (as defined in this general order) which operates so that some percentage of employees other than 25 percent may be hired at rates above the appropriate minimum rates, such plan may be continued in

Approved: March 19, 1945.

(E.O. 9250, Oct. 2, 1942, 7 FR. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, Apr. 8, 1943, 8 F.R. 4631. Act of Oct. 2, 1942. C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

> THEODORE W. KHEEL, Executive Director.

[F. R. Doc. 45-4936; Filed, Mar. 28, 1945; 10:04 a. m.]

## TITLE 32—NATIONAL DEFENSE

Chapter IX-War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; EO. 9024, 7 FR. 329; E.O. 9040, 7 FR. 527; E.O. 9125, 7 FR. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 FR. 64.

PART 3175-REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 26]

TEMPORARY LIMITATION ON THE PURCHASE OF STEEL FOR MEO DURING THE SECOND QUARTER OF 1945

The following direction is issued pursuant to CMP Regulation 5:

- (a) No person shall use the MRO symbol to place authorized controlled material orders for steel in any controlled material form for delivery in the second calendar quarter of 1945 in excess of 80% (by weight or dollar value, whichever he prefers) of the steel he purchased for MRO during the second calendar quarter of 1944. Any person who has already placed authorized controlled material orders by use of the MRO symbol for delivery in the second quarter of 1945 in excess of 80%, must cancel or reduce the authorized controlled material orders by the amount of the excess.
- (b) This direction is required because of a covere shortage in steel anticipated during the second calendar quarter. In the absence of circumstances which cannot now be foreseen, this limitation will apply only in the second quarter and will not be extended beyond. The War Production Board urges all persons to defer all MRO that is possible in order to concerve steel, and in doing neccosary MRO, to use steel out of existing inventories to the greatest extent possible.
- (c) Any person who has to do essential MRO during the second quarter, which cannot be feasibly postponed, and who is prevented from doing so by this direction, may

apply to his local Field Office of the War Production Board for permission to buy additional quantities of steel. The application may be made by letter, Ref: Direction 26 to CMP Regulation 5, and should state (1) the amount of steel he is permitted to buy, the amount and type of steel he requires, in addition (2) the reasons why-the maintenance, repair or operation must be continued, cannot be deferred, and cannot be supplied out of inventory, and (3) why other maintenance, repair or operation cannot be deferred to provide the needed steel.

to provide the needed steel.
(d) Any person whose quota has been increased since the second quarter of 1944 by an application under paragraph (f) of CMP Regulation 5 may adjust the amount of steel that he can buy as follows: He may increase his percentage of steel over the amount purchased in the second quarter of 1944 by the proportion that his present quota bears to the quota that he had in the second quarter of 1944. For example: a manufacturer had a quota of \$100,000 in the second quarter of 1944 and purchased 10 tons of steel for essential MRO. He has since received an increase in quota applicable to the second quarter of 1945 which raises his quota to \$130,000 (or 30% increase). In determining how much steel he can buy, he can increase his base period consumption of steel by the same percentage, i. e., his base period consumption of steel will be 10 tons plus 30% of 10 tons or 13 tons. Thus he will be permitted to order for the second quarter of 1945, 80% of 13 tons or 10.4 tons of steel.

(e) This direction does not apply to any person who will order for delivery less than 10 tons of carbon and 2 tons of alloy steel during the second quarter of 1945.

Issued this 28th day of March 1945.

WAR PRODUCTION BOARD, By J JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 45-4943; Filed, Mar. 28, 1945; 11:16 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A, Direction 3]
TEMPORARY LIMITATION ON THE PURCHASE
OF STEEL FOR MRO DURING THE SECOND
OUARTER OF 1945

The following directions is issued pursuant to CMP Regulation 5A.

- (a) No government agency or institution shall use the MRO symbol to place authorized controlled material orders for steel in any controlled material form for delivery in the second calendar quarter of 1945 in excess of 80% (by weight or dollar value, whichever it prefers) of the steel it purchased for MRO during the second calendar quarter of 1944. Any agency or institution which has already placed authorized controlled material orders by use of the MRO symbol for delivery in the second quarter of 1945 in excess of 80%, must cancel or reduce the authorized controlled material orders by the amount of the excess.
- (b) This direction is required because of a severe shortage in steel anticipated during the second calendar quarter. In the absence of circumstances which cannot now be foreseen, this limitation will apply only in the second quarter and will not be extended beyond. The War Production Board urges everyone to defer all MRO that is possible in order to conserve steel, and in doing necessary MRO, to use steel out of existing inventories to the greatest extent possible.
- (c) Any agency or institution which has to do essential MRO during the second quarter, which cannot be feasibly postponed, and which is prevented from doing so by this

direction, may apply to its local Field Office of the War Production Board for permission to buy additional quantities of steel. The application may be made by letter, Ref: Direction 3 to CMP Regulation 5A, and should state: (1) the amount of steel it is permitted to buy and the amount and type of steel it requires in addition; (2) the reasons why the maintenance, repair or operation must be continued, cannot be deferred, and cannot be supplied out of inventory; and (3) why other maintenance, repair or operation cannot be deferred to provide the needed steel.

(d) Any agency or institution whose quota has been increased since the second quarter of 1944 by an application under paragraph (f) of CMP Regulation 5A may adjust the amount of steel that it can buy as follows: It may increase its percentage of steel over the amount purchased in the second quarter of 1944 by the proportion that its present quota bears to the quota that it had in the second quarter of 1944. For example: an agency or institution had a quota of \$100,000 in the second quarter of 1944 and purchased 10 tons of steel for essential MRO. It has since received an increase in quota applicable to the second quarter of 1945 which raised its quota to \$125,000 (or 25%). In determining how much steel it can buy, it can increase its base period consumption of steel by the same percentage, i. e., its base period consumption of steel will be 10 tons plus 25% of 10 tons, or 12½ tons. Thus it will be permitted to order for the second quarter of 1945, 80% of 12½ tons or 10 tons of steel.

(e) This direction does not apply to any agency or institution which will order for delivery less than 10 tons of carbon and 2 tons of alloy steel during the second quarter of 1945.

Issued this 28th day of March 1945.

WAR FRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[r. R. Doc. 45-4944; Filed, Mar. 28, 1945; 11:16 a. m.]

#### PART 3201-MINING

[Preference Rating Order P-56, Direction 2]

TEMPORARY LIMITATION ON THE PURCHASE OF STEEL FOR MAINTENANCE, REPAIR, AND OPERATING SUPPLIES DURING THE SECOND QUARTER OF 1945

The following direction is issued pursuant to Preference Rating Order P-56:

- (a) No producer under Order P-56 shall use the S-7 allotment symbol to place authorized controlled material orders for steel in controlled material forms for delivery in the second calendar quarter of 1945 in excess of 80 per cent (by weight or dollar value, whichever he prefers) of the steel he purchased for maintenance, repair, and operating supplies during the second calendar quarter of 1944 or the fourth calendar quarter of 1944, whichever is the greater. Any producer who has already placed authorized controlled material orders by use of the S-7 symbol for delivery in the second quarter of 1945 in excess of the stated 80 per cent must cancel or reduce the authorized controlled material orders by the amount of the excess.
- (b) This direction is required because of a severe shortage in steel anticipated during the second calendar quarter. In the absence of circumstances which cannot now be foreseen, this limitation will apply only in the second quarter and will not be extended beyond. The War Production Board urges all producers to defer purchases of maintenance, repair, and operating supplies during the second quarter as far as possible in order to conserve steel and during that period to

use steel out of existing inventories to the

greatest extent possible.

(c) Any producer who has essential requirements of steel for maintenance, repair, and operating supplies for the second quarter which cannot be feasibly postponed and whose mining or smelting operations will suffer from the limitations of this direction, may apply to the Mining Division, War Production Board, Washington 25, D. C., for permission to purchase additional quantities of steel. The application may be made by letter, Ref: Direction 2 to Order P-58 and should state (1) the amount of steel he is permitted to buy under this direction. (2) the amount and type of steel he requires in addition in terms of tons of carbon and alloy steel, (3) the reasons why the ure of steel for maintenance, repair, or operating supplies cannot be deferred and cannot be supplied out of inventory, and (4) why the use of steel for other maintenance, repair, or operating supplies cannot be deferred to provide the needed steel.

(d) This direction does not apply to any producer who will order for dollvery during the second quarter of 1945 less than ten tons of carbon and two tons of alloy steel nor to foreign producers who have received specific allotments on Form WPB-2937. The latter allotments will be subject to individual adjustments by the Mining Division.

Issued this 28th day of March 1945.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F R. Doc. 45-4946; Flied, Mar. 28, 1045; 11:17 a. m.]

PART 3216—MATERIALS ENTERING INTO THE OPERATION OF TRANSPORTATION SYSTEMS

[Preference Rating Order P-142, Direction 7]

REDUCTION IN SECOND QUARTER STEEL ALLOTMENTS

The following direction is issued pursuant to Preference Rating Order P-142:

- (a) Because of a severe shortage of steel in controlled material form available for allotment during the second quarter of 1945 it is necessary that use of steel for all purposes, including MRO, be reduced during that quarter. This applies to all MRO users under CMP Regulations 5 and 5A, and also to operators of transportation systems under Order P-142 pursuant to the provisions of this direction.
- (b) No operator may use the CMP allotment symbol T-7 to get more steel (except rail and track accessories) for delivery in the second calendar quarter of 1945 than 80% of such steel authorized for purchase by him during the fourth calendar quarter of 1944 under paragraph (c) (2) of Order P-142.

  (c) It is urged that all operations under

(c) It is urged that all operations under P-142 requiring steel be deferred as far as possible in order to conserve steel, and that operators use steel out of existing inventories to the greatest extent possible.

(d) Where essential operations under P-

(d) Where essential operations under P-142 cannot be feasibly postponed and an operator is prevented from carrying them on by this direction, he may apply in writing to the War Production Board, Transportation Equipment Division, Washington 25, D. C., for permission to buy additional quantities of steel. This application must show (1) the amount of steel he is permitted to buy and the amount he requires; (2) why the maintenance, repair or other operation must be continued, cannot be deferred and cannot be supplied out of inventory; and (3) why other maintenance, repair or operations cannot be deferred to provide the needed steel.

(e) This direction does not apply to any operator who will order for delivery less than ten tons of carbon and two tons of alloy steel during the second quarter of 1945.

Issued this 28th day of March 1945.

WAR PRODUCTION BOARD, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 45-4948; Filed, Mar. 28, 1945; 11:16 a. m.]

Part 3287—Government Services

[Preference Rating Order P-141, Direction 1]

TEMPORARY LIMITATION ON THE PURCHASE OF STEEL FOR MRO DURING THE SECOND QUARTER OF 1945

The following direction is issued pursuant to Preference Rating Order P-141.

(a) Because of a shortage of steel in controlled material form during the second cal-endar quarter, the War Production Board urges operators to defer all MRO that is possible, and in doing necessary MRO, to use steel out of existing inventories to the greatest extent possible. In the absence of circumstances which cannot now be foreseen, this limitation will apply only in the second quarter and will not be extended beyond.

(b) No operator shall use the CMP Allot-ment Symbol MRO-P-141 to place orders for steel for delivery in the second calendar quarter of 1945, in excess of 80% of the steel he purchased for MRO during the second calendar quarter of 1944. Any operator who has already placed authorized controlled maternal orders by use of the MRO symbol for delivery in the second quarter of 1945 in excess of 80%, must cancel or reduce such authorized controlled material orders by the amount of the excess. This cancellation or reduction must be made at once, unless the operator finds it necessary to apply for relief in accordance with paragraph (c). Such application for relief must be made within 5 days of the date of this direction, and upon receipt of grant or denial of the application by the War Production Board, the cancellation or reduction, if any, then required, must be made at oncé.

(c) Any operator who has to do essential MRO during the second quarter which cannot be postponed, and who is prevented from doing so by this direction, may apply to the War Production Board, Washington 25, D. C., for permission to buy additional quantities of steel. The application may be made by of steel. The application may be made by letter, Ref: Direction 1 to Preference Rating Order P-141, and should state: (1) the amount of steel he is permitted to buy and amount and type of steel he requires in addition; (2) the reasons why the maintenance, repair or operation must be continued, can-not be deferred, and cannot be supplied out of inventory; and (3) why other maintenance, repair or operation cannot be deferred to provide the needed steel.

(d) This direction does not apply to any operator who will order for delivery less than 10 tons of carbon steel and less than 2 tons of alloy steel during the second quarter of

Issued this 28th day of March 1945.

WAR PRODUCTION BOARD. By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 45-4947; Filed, Mar. 28, 1945; 11:16 a. m.]

No. 63-

PART 3290-TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-310, Gen. ,Direction 17]

MILITARY QUALITY SOLE LEATHER IN BUTT PIECES

The following general direction is issued pursuant to General Conservation Order M-310:

No person may use any butt piece which has been cut from manufacturers' leather crops, backs and bends or from manufac-turers' bends-for-repair and which contains any military quality outercole, midcole or innersole leather unless such military quality leather has first been removed and set acids for delivery and use on military orders.

Issued this 28th day of March 1945.

WAR PRODUCTION BOARD, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 45-4945; Filed, Mar. 23, 1945; 11:16 a. m.]

PART 4500-POWER, WATER, GAS AND CENTRAL STEAM HEAT

[Utilities Order U-1, Direction 4]

LIMITATION ON SCHEDULING OF STEEL PIPE FOR DELIVERY IN SECOND QUARTER 1945

The following direction is issued pursuant to Utilities Order U-1.

(a) Quantity of steel pipe permitted to be purchased. Notwithstanding paragraphs (c). (e), (f) and (g) of Utilities Order U-1, any producer who has scheduled or who may schedule for delivery in the second calendar quarter of 1945 for maintenance, repair or minor plant additions, any steel pipe other than steel tubing for boilers and heat ex-changers shall conform to the following re-

(1) The delivery of steel pipe on the delivery dates specified on the producer's order will not cause the producer's inventory of steel pipe of the size and type ordered to exceed a practical working minimum. Such practical working minimum inventory shall be the smallest quantity of that size and type of pipe which a producer, exercising prudent operating judgment, considers neces-sary to render service at minimum standards, but in no case may exceed ninety days requirements at current rate of uce.

(2) The producer will not schedule steel pipe for delivery in the second calendar quarter of 1945 for maintenance, repair or minor plant additions (CMP allotment symbol U-9) in excess of 20 percent (by weight or dollar value, whichever the producer prefers) of the steel pipe for maintenance, repair and minor plant additions delivered to the producer in the year 1944.

(b) Effect of this direction on orders al-

ready placed. Any producer who finds that its schedules for the delivery of steel pipe subject to paragraph (a) call for deliveries in excess of the quantities permitted, must immediately reduce its orders on suppliers to the extent necessary to conform to the limi-

tations set by paragraph (a).

(c) Exceptions. (1) If a producer's property has been damaged by acts of the public enemy, sabotage, explosion, fire, flood, storm, or similar contingencies, it may exceed the restrictions of paragraphs (a) and (b) above

to the extent necessary to repair the damage.
(2) This direction does not apply to any producer who schedules less than 10 tons of steel pipe for delivery during the second quarter of 1945.

(d) Appeals. Any producer affected by this Direction 4 to Utilities Order U-1 may appeal by letter to the Office of War Utilities, War Freduction Board, Washington 25, D. C.,

Ref.. Dir. 4 to U-i.
(e) Expiration date. Unless otherwise pro-vided, this direction will expire on June 33,

Issued this 28th day of March 1945.

WAR PRODUCTION BOARD. By J. JOSEPH WHELAN, Recording Secretary.

[P. R. Doc. 45-4949; Filed, Mar. 23, 1945; 11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1305-ADMINISTRATION [Supp. Order 45, Amdt. 15]

WOOD PIPE

A statement of the considerations accompanying the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1305.59 (a) (3) of Supplementary Order No. 45 is amended by adding thereto the following commodi-

Machine banded wood pressure pipe. Wire-wound wood pressure pipe. Continuous stave wood pipe. Solid bored wood pressure pipe, machine banded or wire-wound. Wood lined pressure pipe.

This amendment shall become effective April 2, 1945.

Issued this 28th day of March 1945.

CHESTER BOWLES, Administrator.

[P. R. Doc. 45-4953; Filed, Mar. 23, 1945; 11:45 a. m.]

> PART 1340-FUEL [MPR 189, Amdt. 26]

BITULINOUS COAL SOLD FOR DIRECT USE AS EUNKER FUEL

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register. Section 1340.313 (f) (4) is amended

to read as follows:

(4) Formula for addition of excess coal and transportation costs to base delivered cost. When the delivered cost f. o. b. cars of bunker coal exceeds \$5.70 per gross ton for Grade A coal, \$6.60 per gross ton for Grade B coal, and \$6.50 per gross ton for Grade C coal at a lower loading pier or \$6.75 per gross ton for Grade A coal, \$6.65 per gross ton for Grade B coal, or \$6.55 per gross ton for Grade C coal at an upper loading pier on sales to foreign vessels; or \$6.81 per gross ton for Grade A coal, \$6.71 per gross ton for Grade B coal, or \$6.61 per gross ton for Grade C coal at a lower loading pier or \$6.86 per gross ton for Grade A coal, \$6.76 per gross ton for Grade B coal, or \$6.66 per gross ton for Grade C coal at an upper loading pier on salès to domestic vessels, the supplier may add the excess to the applicable maximum price on a weighted average basis. Delivered cost includes only the applicable maximum f. o. b. mine price per gross ton plus the rail rate to the loading pier the pocket charge and trimming charge may not be included.

This amendment shall become effective April 2, 1945.

Issued this 28th day of March 1945.

CHESTER BOWLES,
Administrator

[F R. Doc. 45-4951; Filed, Mar. 28, 1945; 11:45 a. m.]

PART 1364—FRESH, FROZEN AND CURED MEAT AND FISH PRODUCTS

[RMPR 148,1 Amdt. 22]

DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 148 is amended in the following respects:

- 1. Section 1364.22 (g) (3) is amended by the addition of the following sentence: "On sales to war procurement agencies, \$0.50 per hundredweight may be added to the above prices for dressed hogs."
- 2. Items 1, 2, 3, 4, 5, 6, 14 and 19 of Schedule I (h) of § 1364.35 are amended to read as follows:

Fresh, frozen, cured and smoked items	Weight (pounds)	Price
1. Wiltshires—cured		20.75
<ol><li>Wiltshires—scalded, frozen in</li></ol>		
_ sacks.		21.00
<ol><li>Overseas hams: Regular—shank-</li></ol>	8-10	32.75
less (96 hour smoke, long cure,	10-14	32.00
wrapped in muslin. Packed		
in salt—C. Q. D. specifica- tions).	14-18	31.00
4. Overseas hams: Skinned—shank-	8-10	35, 25
less (96 hour smoke, long	10-14	34, 50
cure, wrapped in muslin.	14-18	33. 50
Packed in salt-C. Q. D. spec-		00.00
ifications).		
5. Export hams: Regular—shank	Under 12	
on (96 hour smoke, long cure,	12-16	29.00
not wrapped. Packed in salt-	Over 16	28.00
F. S. C. C. specifications). 6. Export hams: Skinned—shank	IIIndon 10	32,00
on (96 hour smoke, long cure,	Under 12 12-16	31. 25
not wrapped. Packed in salt—	Over 16	30. 25
F. S. C. C. specifications).	O VEL 10	00.20
F. S. C. C. specifications). 14. Overseas bacon (Fancy trum-	Under 10	27.00
med. Type 2, smoked 96 hours.	10-14	25.00
Dry salt cured, wrapped in muslin. Packed in salt—C.	14-18	24.50
muslin. Packed in salt-C.	l	i
Q. D. specifications).		l
19. Pork sausage, fresh or frozen:		27.00
In artificial casings		28.00
In hog casings.		30.00
In sheep casings		32.00
		1 00

- 3. Schedule III of § 1364.35 is amended by the addition of paragraph (j) to read as follows:
- (j) For freezer shrinkage on all fresh or green wholesale pork cuts, including "Wiltshires, scaled, frozen in sacks", sold frozen at frozen weights to war procure-

ment agencies, to licensed ship suppliers (as defined in § 1364.452 (o) (9) of Revised Maximum Price Regulation No. 169) or to ship operators (as defined in § 1364.452 (o) (9) of Revised Maximum Price Regulation No. 169) \$0.25 per hundredweight.

- 4. Schedule IV (c) of § 1364.35 is amended by the addition of subparagraph (8) to read as follows:
- (8) For freezer shrinkage on all fresh or green dressed hogs sold frozen at frozen weights to war procurement agencies, \$0.25 per hundredweight may be added.

This amendment shall become effective March 27, 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES, Administrator

[F. R. Doc. 45-4929; Filed, Mar. 27, 1945; 4:15 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[2d RMPR 313,1 Amdt. 2]

#### VENEER LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 10 (f) is amended to read as follows:

(f) Those buying plants which have been authorized to purchase precision veneer logs under Article II must file a copy of each invoice with the Office of Price Administration District Office nearest the point of production of the logs.

This amendment shall become effective April 2, 1945.

Issued this 28th day of March 1945.

CHESTER BOWLES,

Administrator

[F. R. Doc. 45-4952; Filed, Mar. 28, 1945; 11:45 a. m.]

Chapter XIX—Defense Supplies Corporation

[Reg. 5, Amdt.]

PART 7005—MID-CONTINENT CRUDE COM-PENSATORY ADJUSTMENTS

Regulation 5'as amended (9 F.R. 5380) is further amended by substituting for \$ 7005.5 thereof the following:

§ 7005.5 Amount of compensatory adjustments. The claim with respect to
any shipment shall be in the amount per
barrel specified in the schedules attached hereto, subject, however, to
changes in rates or adjustments as provided therein. The quantity with respect to which claim may be made on
any shipment under Schedules A, B and
C attached hereto shall be the number

of barrels upon which rail freight is paid, and on any shipment under Schedule D attached hereto such quantity shall be the number of barrels unloaded at destination.

This amendment shall become effective as of December 4, 1943.

- 2. Regulation 5 as amended is further amended by substituting for paragraph (c) of § 7005.2 thereof the following:
  - (c) If made under Schedule A.
- (1) Such shipment is made solely by tank car directly from such point of origin to such point of destination shown on such schedule;
- (2) Such shipment is commenced from such point of origin shown in the applicable part of such schedule on or after the effective date designated therein for shipments from such point of origin;
- (3) The freight on such shipment is paid direct to the railroad carrier by such person; or
- 3. Schedule A, as amended April 10, 1944, is hereby rescinded and the attached Revised Schedule A is issued in lieu thereof.

This amendment shall become effective as of April 10, 1944.

- 4. Regulation 5 as amended is further amended by substituting for paragraph (f) of § 7005.2 thereof the following:
  - (f) If made under Schedule D:
- (1) Except where pipe lines are used to transport crude to barge loading points in District Three or to transport crude over alternate routes as indicated on Schedule D, such shipment is made solely by barge from such point of origin to such point of destination shown on such schedule;
- (2) Such shipment is commenced from such point of origin shown on such schedule on or after April 10, 1944;
- (3) Except where crude is transported in such person's barges, the freight on such shipment is paid direct to the carrier by such person.

This amendment shall become effective as of January 1, 1945.

(Sec. 5d of the Reconstruction Finance Corporation Act, as amended, 52 Stat. 212, 54 Stat. 573; 15 USC 606b; Defense Supplies Corporation Charter, 6 F.R. 2972)

Defense Supplies Corporation, By Samuel H. Saein, Executive Vice President.

#### REVISED SCHEDULE A

Compensation to be paid by Defense Supplies Corporation on rail movements of Crude from points of origin in District Three to refining points in District Two.

### PART I-WEST TEXAS

The following listed rates of compensation (shown in dollars per barrel) are applicable to shipments commenced from point of origin on or after April 10, 1944, except the rates designated by single asterisk (\*), which apply to shipments commenced on or after July 25, 1944, and the rates designated by double asterisks (\*\*), which apply to shipments commenced on or after July 31, 1944.

<sup>&</sup>lt;sup>1</sup>9 F.R. 1996, 3083, 11076; 10 F.R. 703, 2095, 2514.

<sup>&</sup>lt;sup>1</sup>9 F.R. 5344, 14836, 10 F.R. 622.

PART	I-WEST	TEXAS—continued
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	~ 001	······	•
		Origin	
Destination	Level- land, Tex.	Mid- land, Tex.	Mc- Camey, Tex.
Allen, Okla Alma, Mich Ardmore, Okla Ardmore, Okla Arkansas City, Kans Augusta, Kans Barnsdall, Okla Bay City, Mich Bloomingdale, Mieh Bloomingdale, Mieh Bloomingdale, Mieh Bloomingdale, Mich Catlettsoure, Mich Carson City, Mich Carton, Ohjo Carson City, Mich Catlettsburg, Ky Centralia, Ill Chanute, Kans Cleveland, Ohlo Cleves (Cincinnati), Ohio Cleves (Cincinnati), Ohio Coffeyville, Kans Cushing, Okla Cyril, Okla Detroit, Mich Drumright, Okla Duncan (Beckett), Okla Duncan (Beckett), Okla Duno (East St, Louis), Ill E. Chicago, Ind E. St. Louis, Ill Lldorado, Kans Elsie, Mich Enrid (Nila Farfield, Ill Findlay, Ohio Flat Rock (Trenton), Mich Garnet, Kans Cary, Ind	\$0,7254 -\$918 -\$24 -\$24 -\$24 -\$24 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$25 -\$	\$0.740\$ 1.0590 7874 7874 7874 7874 1.3076 1.090 1.0901 1.0590 7306 7306 7306 7306 7307 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591 1.0591	\$0. 8074 1. 0799 4933 -7083 -7093 -7093 1. 025 -7093 1. 1101 1. 0793 1. 1101 1. 0793 1. 1101 1. 0793 1. 1101 1. 0793 1. 1101 1. 0793 1. 1101 1. 0793 1. 1101 1. 0793 1. 0793 1. 0793 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1. 0773 1
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PART II—SHIPMENTS TO SHEEOYGAN, WISCONSIN

The following listed rates of compensation are applicable to shipments commenced from point of origin on or after July 8, 1944.

Compensation (shown in dollars per barrel)
Point of origin:

Alce, Tex	\$0.4505
Athens, Tex	4584
Austwell, Tex	4505
Bear Creek, La	
Bentonville, Tex	.4505
Bienville, La.	.3584

PART II—SHIPMENTS TO EHELOYGAN, WIECON-

Compensation (shown in dollars per barrel)— Continued

E

Point of origin—Continued.	
Boling, Tex	€0.4503
Bunker, La	.3834
Carthage, Tex	
Dixon, Tex	
Edgewood, Tex	
Elton, La	4503
Trior Tow	4534
Eylau, Tex	
Fruitvale, Tex	
Grapeland, Tex	.3334
Greenville, Tex	.4584
Haslam, Tex	
Joaquin, Tex	.3281
Lavernia, Tex	.4503
Logansport, La	.3281
Mineola, Tex	4534
Nordheim, Tex	.4503
Texarkana, Tex	
Thrall, Tex.	
Tyler, Tex	4581
Victoria, Tex	
Winnsboro, Tex	
Woodbine, Tex	4584
PART TIT-CHIRATERE TO TOUTE O	

PART III-SHIPMENTS TO TOLETO, OHIO

The following listed rates of compensation are applicable to shipments commenced from point of origin on or after July 24, 1844.

Compensation (shown in dollars per barrel)

ome or origin.	
Egan, La	89.930
Gayhill, Tex	
Perkins, La	

Norz: The rates contained in this Schedule A are based in part upon tank car tariff rates between the points listed. In the event of any change in such tariff rates, Defense Supplies Corporation reserves the right to make corresponding adjustments in the rates listed above, effective from the date of the tariff change.)

#### [Reviced Schedule A, Amdt. 1]

Part II of Revised Schedule A, Shipments to Sheboygan, Wisconsin, is hereby amended by adding the following points of origin and rates of compensation:

Compensation (shown in dollars per barrel)

Point of origin:	
Needville, Tex	\$0.4505
Runge, Tex	.4505
Washom, Tex	

With respect to shipments from Needville, Texas, this Amendment 1 to Revised Schedule A shall become effective as of October 18, 1944. With respect to shipments from Runge and Washom, Texas, this Amendment 1 to Revised Schedule A shall become effective as of December 7, 1944.

#### [Schedule C, Amdt. 1]

The following listed rates of compensation (shown in dollars per barrel) are applicable to shipments commenced from point of origin on or after June 9, 1944.

			Origins		
Destinations	Casper	Riverton	Manvilla and Luck	Chatham, Kirby and Thermopolis	Cody, Zute and France
West Branch, Mich Minncapolis and St. Paul Park, Minn	\$1,2773 .0997	\$1.2776 2007	\$1,2373 .3097	\$1.2193 .2719	\$1.2009 .2529

#### [Schedule D, Amdt. 1]

Schedule D of Mid-Continent Crude Compensatory Adjustments Regulation 5, as amended April 10, 1944, is hereby amended to include the following table, entitled "Movements from Gibson's Landing, Louisiana" The listed rates of compensation (shown in dollars per barrel) are applicable to shipments commenced from point of origin on or after June 1, 1944.

HOVEMENTS FROM GIBSONS LANDING, LOUISIANA

Destination	Barge rate per barrel	Maximum compensa- tion per barrel
Mt. Vernon, Ind. Louisville, Ky. Cleves, Ohlo Latonia, Ky. Catlettsbury, Ky. Gallipelis, Ohlo. Newport, Ohlo. Ohlo-Penn Staté Line. Wood River, Ill. Lement, Ill. Lockport, Ill. Chleago, Ill.	3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3	80. 1170 - 1233 - 2745 - 2745 - 2745 - 2745 - 1745 - 2745 - 2745

#### [Schedule D, Amdt. 2]

Schedule D of Mid-Continent Crude Compensatory Adjustments Regulation 5, as amended April 10, 1944, is hereby amended to designate as an alternate route to Lemont, Illinois, shipment by barge to Wood River, Illinois, and thence by pipe line to Lemont. When such alternate route is used, the maximum compensation per Barrel shown on Schedule D for movements to Lemont, Illinois, shall be reduced 3.24. This amendment shall be applicable to shipments over the alternate route commenced from Wood River, Illinois, on or after January 1, 1945.

[F. R. Doz. 45-4906; Filed, Mar. 27, 1945; 10:30 a. m.]

#### TITLE 45—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter D-Tank Vessels

# AMERIMENTS TO REGULATIONS Correction

In Faderal Register Document 45–4681, appearing at page 3136 of the issue for Saturday, March 24, 1945, under Part 30 the word "liquified" in Class 1 and Class 2 of § 30.3 (r) (2) should read "liquefied" Under Part 31 the reference to § 31.71–1 in paragraph 1 should read "§ 31.71–1" in paragraph 7 the reference to § 32.3–2 (a) should read "§ 31.3–2 (a)" In paragraph (b) of § 31.1–1, appearing in the third column of page 3137, the word "liquified" should read "liquified"

#### Chapter III-War Shipping Administration

PART 302-CONTRACTS WITH VESSEL OWN-ERS AND RATES OF COMPENSATION RELAT-ING THERETO

[G. O. 13, Supp. 2]

SPECIAL REQUISITION BAREBOAT CHARTER FOR DRY CARGO AND TANK VESSELS

§ 302.62 Special requisition bareboat charter for dry cargo and tank vessels. The Administrator, War Shipping Administration, adopts the following standard form of special bareboat charter for dry cargo and tank vessels; chartered by the United States of America, acting by and through the Administrator, to be known as "Warshipdemise (Special)", consisting of two parts, designated, respectively, Part I and Part II, reading as follows:

Form No. 103A Contract No. WSA -WARSHIPDEMISE (SPECIAL)

WAR SHIPPING ADMINISTRATION

REQUISITION BAREBOAT CHARTER FOR CARGO AND TANK VESSELS

Whereas, pursuant to Section 902 of the Merchant Marine Act, 1936, as amended, and the President's Executive Order No. 9054, as amended, the Administrator, War Shipping Administration, has requisitioned the use of

the Vessel on a bareboat basis; and Whereas, the Administrator, War Shipping Administration, tendered to the Owner a requisition bareboat charter in the form known as "WARSHIPDEMISE (Rev.)—Form No. 103 (Rev.)" and the tendered charter provided in Clause B of Part I thereof that the right to modify or change the terms of the charter was reserved if the charter was not executed by the Owner and delivered to the Charterer;

Whereas, upon receipt of such tender the Owner failed to accept the charter or the rate of hire or valuation therein provided for; and

Whereas, the Owner has refused and failed to agree or otherwise indicate that the terms and conditions of the charter would be applicable to the operation of the vessel pending a judicial determination of the rate of hire and total loss value, has further failed to agree or indicate that such charter terms and condition conform with the provisions of Section 902 of the Merchant Marine Act of 1936, and has asserted that such tender is not in conformity with said section 902; and

Whereas, the Administrator has found, in view of the above-recited and other circumstances, that it is essential that the charter previously tendered be modified so as to conform with the provisions of this modified charter in order to facilitate the operation of the vessel in the prosecution of the war and to minimize legal and other controversies with respect thereto.

Now, therefore, pursuant to said Section 902 and pursuant to the above-stated reservation of rights, the Administrator, War Shipping Administration, hereby transmits to the Owner this Charter, consisting of Part I and Part II, setting forth the terms which, in the Administrator's judgment, should govern the relations between the Charterer and the Owner and a statement of the rate of hire which, in the Administrator's judgment, will be just compensation for the use of the Vessel under the terms of this Charter, all effective from the date of delivery of the Vessel hereunder:

Requisition Bareboat Charter, dated as of \_\_\_\_\_ 194:\_ between \_\_\_\_\_ Address
Owner of the SS/MS called the "Vessel"), and United States of America, acting by and through the Administrator, War Shipping Administration, Charterer, the terms of the Charter being as follows:

PART I

The Vessel's particulars on which the rate of hire and valuation have been based, in part, by the Administrator are as follows:

Deadweight capacity as defined in Clause 13, Part II \_\_\_\_\_ Classed \_\_\_\_ Bale capacity of refrigerated cargo space, as represented by the Owner, exclusive of ship's stores and space installed by or at the expense of Charterer \_\_ Year Built \_\_\_\_ cubic feet \_\_.

CLAUSE A. Period of Charter. From the time of delivery to the time of expiration of the voyage current at the end of the emergency proclaimed by the President of the United States on May 27, 1941, Provided, That the Charterer may terminate this Charter at any time upon (15) fifteen days' notice in advance to the Owner.

CLAUSE B. Hire. The Owner is hereby given an election either (I) to accept the rate of hire hereinafter set forth in Option I, which states the rate which in the Adminstratory to the set of the rate which in the Adminstratory to the set of the rate which in the Adminstratory to the set of the rate which in the Adminstratory to the set of the rate which in the Adminstratory to the set of the rate which in the Adminstratory to the set of the rate which in the Adminstratory to the rate which in the Adminstratory to the rate of the rate o istrator's judgment will be just compensa-tion for the use of the Vessel under the terms of this Charter; or (II) to decline to accept such rate of hire and to have the amount of just compensation judicially determined. If the Owner elects Option I, hire at the rate therein stated shall be paid by the Charterer to the Owner in the manner provided in Part II. If the Owner does not accept the rate of hire set forth in Option I, the right of the Owner to recover just compensation under Section 902 of the Merchant Marine Act, 1936, as amended, shall not be impaired or prejudiced either by the execution and delivery of this Charter, or by the acceptance of 75 per centum of the rate of hire set forth in Option I. Where Option I applies the Charterer reserves all rights which it may have to readjust or redetermine the rate of hire at any time after. July 1,

Option I. The hire shall be \$\_ per calendar month or pro rata for any portion thereof subject to adjustment as herein provided. Unless otherwise stated in Clause J of this Part I, the rate provided for herein is predicated upon the Vessel being delivered hereunder in Class A-1 American Bureau of Shipping or equivalent, tight, staunch, strong, and in every respect seaworthy, serviceable and fitted for service for a vessel of her size, type and description. In the event that the Charterer is required to make any expenditures at or any time after delivery of the vessel by reason of the vessel's failure upon delivery to meet with such standards, the full cost of such expenditures may be deducted by the Charterer from the charter hire accruing hereunder. The Charterer may also withhold from the Owner such charter hire as it deems necessary to protect itself against anticipated costs for which it may make deductions as aforesaid, and in such event, the amount of the charter hire payable as provided for in Option II hereof shall be adjusted by reducing the stated charter hire by the amount of such withholding.

Option II. The Charterer shall pay to the Owner just compensation, to be judicially determined pursuant to the provisions of Section 902 of the Merchant Marine Act, required under the terms of this Charter, and, subject to the Charterer's reservations as to readjustment or redetermination of the rate of hire, the Charterer shall pay on account of just compensation a sum equal to 75 per centum of the hire otherwise payable under the terms of this Charter, as the same may from time to time be due under the terms of this Charter, and the Owner shall be entitled to sue the United States to recover such further sum as added to such 75 per centum will make up such amount as will

be just compensation.

Time of election between options. The Owner shall elect between Option I and Option II at the time the Owner signs this compensation. Charter. In the event of the Owner's failure to elect Option I at the time of signing, or if the Owner fails to execute and deliver this Charter or advise the Charterer of its rejec-

Charter of advise the Charter of the receipt of this Charter, Option II shall apply.

Rate revision (Option I only). At any time after July 1, 1945 but not more often than every 12 months thereafter, either party may request a redetermination of the rate of charter hire upon ninety (90) days' written or telegraphic notice to the other. If a revised rate is determined and agreed upon within such 90-day period, it shall become effective as of the date specified in the determination and shall continue for the balance of the period of this Charter, subject to further redetermination in accordance with the provisions of this Paragraph." If a revised rate is not determined and agreed upon within any such 90-day period, then the rate of hire in effect at the time of such notice shall apply only until noon (EWT) of the day after the end of such 90-day period, and the Charterer shall make a redetermination of the rate of hire, as to which the provisions of Option II of this Clause B shall apply for the balance of the period of this Charter. A change in the rate of charter hire under this paragraph shall not terminate the period of or otherwise modify the provisions of this Charter.

CLAUSE C. Valuation. In the event of loss or damage to the Vessel due to the opera-tion of a risk assumed by the Charterer under the terms of this Charter, the Charterer shall pay to the Owner just compensation, to be judicially determined under Section 902 of the Merchant Marino Act, 1936, as amended, for such loss or damage, to the extent the person entitled thereto is not reimbursed therefor through policies of insurance against such loss or damage. In such event the amount of just compensation shall be determined and tendered by the Charterer as soon as practicable after the loss or damage, but if the amount of just compensation so determined is unsatisfactory to the person entitled thereto, the Charterer shall pay to such person 75 per centum of the amount so determined, and such person shall be entitled to sue the United States to recover such further sum as, added to said 75 per centum, will make up such amount as will be just

will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code (U.S. C. 1934 Edition, title 28, secs. 41, 250).

The foregoing provisions of this Clause shall not be applicable if the Vessel is subject to the provisions of Section 802 of the Merchant Marine Act, 1936, as amended. For the purposes of this Charter and any insurance undertaken by the Charterer, any such Vessel 1836. undertaken by the Charterer, any such Vessel shall be valued as of the date of loss at the actual depreciated construction cost of the Vessel (together with the actual depreciated cost of capital improvements thereon, but excluding the cost of national-defense features), less the depreciated amount of construction-differential subsidy theretofore paid incident to the construction or reconditioning of such Vessel, or the fair and reasonable scrap value of such Vessel as determined by the Charterer, whichever is greater. In computing the depreciated value of the Vcs-sel, depreciation shall be computed on the Vessel on the schedule adopted by the Bureau of Internal Revenue for income tax purposes.

By mutual agreement the valuation provisions of the above paragraph may be super-seded as of the date of loss or any other mutually agreeable date in the event that the Charterer shall adopt any plan with respect to replacement of vessels which is applicable to this Vessel.

CLAUSE D. Port of delivery.

CLAUSE E. Time and date of delivery.
CLAUSE F. Port of redelivery. Port of delivery, unless otherwise agreed.

CLAUSE G. Notice of redelivery. The Charterer shall give not less than fifteen (15) days' written or telegraphic notice. CLAUSE H. Uniform terms. This Charter

CLAUSE H. Uniform terms. This Charter consists of this Part I and Part II attached to Part I of this Charter. Unless in this Part I otherwise expressly provided, all of the provisions of Part II shall be part of this Charter as though fully set forth in this Part I.

CLAUSE I. The execution and delivery of this Charter shall be without prejudice to any rights which the Charterer may have to requisition the Vessel for use upon termination of this Charter.

CLAUSE J. Special provisions.

In witness whereof, the Owner has executed this Charter in quadruplicates the \_\_\_\_\_\_\_, and has elected Hire Option \_\_\_\_\_\_\_, and the Charterer has executed this Charter in quadruplicate the \_\_\_\_\_ day of \_\_\_\_\_\_\_ 194\_\_\_\_.

By United States of America,
By E. S. Land, Administrator
War Shipping Administration.

As to execution for Owner.
Attest:
or if not incorporated

or if not incorporated
In the presence of:
Witness

......

By .

Witness Approved as to form:

Assistant General Counsel, War Shipping Administration.

#### PART II

CLAUSE 1. Unless otherwise noted on the delivery receipt or survey report, the Charterer shall accept the Vessel "as is" in whatever condition she may be in at the time of delivery thereof. The Vessel, unless lost, shall be redelivered by the Charterer to the Owner in a condition at least as good as when taken, less ordinary wear and tear, or the Owner shall be paid an amount for reconditioning sufficient to place the property in such condition.

CLAUSE 2. The Vessel shall be surveyed jointly by representatives of the Charterer and the Owner upon delivery and redelivery, to determine its condition. Such surveys shall include drydocking to determine the condition of the underwater parts which shall be at the expense of the Charterer upon delivery and at the expense of the Owner upon redelivery.

CLAUSE 3. The Charterer or any other agency of the United States may, at the expense of the Charterer and on the Charterer's time, install any equipment, gear or armament (including demagnetization by installed equipment or other process e.g. degaussing, wiping or deperming) and may make any altera-tions or additions to the Vessel. Such equipment, gear or armament so installed are to be considered Charterer's property. The Charterer shall, before redelivery and at its expense and on its time, remove any equip-ment, gear and armament installed by or on the order or request of the Charterer and restore the Vessel to her condition prior to any installations, alterations, additions or changes made by or on the order or request of the Charterer, whether such installations, alterations, additions or changes were made under this Charter or at any time prior to delivery under this Charter, or, at the option of the Charterer, the Owner shall be paid an amount sufficient to place the vessel in its prior condition.

CLAUSE 4A. If the Owner elects hire Option the Charterer shall pay hire for the use of the Vessel at the rate provided in Option I of Clause B. Part I, per calendar month or pro rata for any portion thereof, and if the Owner elects hire Option II or such Option II becomes otherwise applicable, the Charterer shall similarly make payments to the Owner per month or pro rata for any portion thereof on account of just compensation in accordance with Option II, in either case for the period beginning with the time of the Vessel's delivery under this Charter and continuing until the time of her redelivery under this Charter to the Owner at the port of redelivery; or if the Vessel shall be lost as an actual total loss, hire shall continue until the time of her loss, if known, or if the date of loss cannot be ascertained or if the Vessel is unreported, hire shall continue until she was last heard from; or if the Vessel is a constructive total loss pursuant to the provisions of Clause 10B, Part II, hire shall continue until-noon (EWT) of the day of the casualty resulting in or causing or contribut-

ing to her loss.

CLAUSE 4B. Unless otherwise provided in this Charter, the hire and all monies accruing during the preceding month in favor of the Owner including payments on account of just compensation shall be due and payable on the first day of each calendar month; Provided, however, That no such hire or other monies shall become due and payable before execution of this Charter by the Charterer, except payments on account made before such execution.

CLAUSE 5. If, pursuant to any applicable laws of the United States or any agreements entered into pursuant thereto, the Owner is required because of the operation of the Vessel under this Charter to make any payment to the United States by way of reimbursement for construction differential subsidy, then the Charterer shall pay to the Owner as additional charter hire a sum equal to any amount so paid.

CLAUSE 6. At the time of delivery a complete inventory of the Vessel's entire outfit, equipment, furniture, furnishings, appliances, spare and replacement parts and of all unbroached consumable stores and fuel on board shall be jointly taken by representatives of the Charterer and the Owner, and mutually agreed upon by them as to items and as to price with respect to all unbroached consumable stores and fuel, but if it is impracticable to make such inventory, then the Charterer will accept the Owner's inventory or reasonable estimates as to items and as to reasonable prices where pricing is required, and a similar inventory chall be co jointly taken and mutually agreed upon at the time of redelivery.

CLAUSE 7. The Charterer shall accept and pay for all unbroached consumable stores and fuel on board at the time of delivery, and the Owner shall accept and pay for all unbroached consumable stores and fuel on board at the time of redelivery, at the market prices current at the ports and times of delivery and of redelivery, respectively: Provided, however, That the Owner shall not be required to accept and pay for such unbroached consumable stores and fuel in except of the Vessel's normal peacetime requirements. "Consumable stores" within the meaning of this Clause shall mean all consumable and subsistence stores (but not radio supplies, expendable equipment, scrap and junk) listed in United States Maritime Commission Voyage Stores Reports, Forms 7915A, 7916A, 7916A (Revised Forms 1939).

CLAUSE 8. The Charterer shall have the use of all outfit, equipment, furniture, furnishings, appliances, spare and replacement parts belonging to the Vessel, either on board the Vessel or ashore, from the time of delivery without extra cost and the same or their substantial equivalent shall be returned to

the Owner on redelivery in the same good order and condition as when received, ordinary wear and tear excepted. Any such items lost, destroyed, damaged, or so worn in service as to be unfit for use in Owner's service shall be replaced or made good by the Charterer in kind or value at or before redelivery and any overages, accepted by the Owner, chall be paid for at the current market price at the port and time of redelivery. Provided, furtiber, That any equipment, furniture, furnishings or appliances belonging to the Vescel and not required by the Charterer may be removed and stored by the Charterer at its expense. The Charterer shall have the right to use, sell, or otherwise dispose of any of such items removed, on condition, however, that the same or their substantial equivalent shall be returned aboard the Vessel on redelivery thereof in the same good order and condition as when removed, ordinary wear and tear excepted, and any such items lost, destroyed, damaged, or so worn in service as to be unfit for use are to be replaced or made good by the Charterer in kind be-fore redelivery or in value at the time of re-delivery. Provided, further, however, That the foregoing condition as to restoration shall not apply in the event of loss of or requisition of title to the Vessel.

CLAUSE 9. During the period of this Charter, the Charterer chall at its own expense, or by its own procurement, man. victual, navigate, operate, supply and fuel the Vessel during the period of the Charter. The Charterer and not the Owner shall have exclusive procession, control and command of the Vessel during the entire period of this Charter.

CLAUSE 10A. Beginning with the delivery of the Vessel under this Charter and continuing until her redelivery, the Charterer, directly and also as insurer, assumes and hereby insures the Owner against all risks, of whatsoever nature or kind, of loss of or damage to the Vessel, and assumes and hereby insures the Owner against all Habilities, of whatsoever nature or kind, arising out of or in connection with the use of the Vessel by the Charterer.

Charterer. CLAUSE 10B. If the Charterer finds, in case of casualty or serious damage or injury to the Veccel during the period of this Charter, whether or not the Vescel is an actual or constructive total loss under the American law, or because of the condition of the Vessel, that the continuation of the Charter is inadvisable because of the probable high cost of repairs or indefinite loss of use of the Vessel then the Charterer nonetheless shall have the option of declaring her a constructive total loss by so notifying the Owner in writing as coon as practicable. In the event of such declaration by the Charterer, the Charterer shall forthwith pay or cause to be paid to the Owner an amount to be determined in accordance with the provisions of Clause C. Part I. as though the Vessel were an actual total loss less the value of any repairs or damage not chargeable to the Charterer under the terms of this or any other prior Charter of the Vessel. Against such payment the Owner will give the Charterer such releases and instruments granting the vessel or the property of her remaining as the Charterer may require, if the Charterer elects to take title to the Vessel.

CLAUSE 11. If immediately prior to delivery under this Charter the Vessel shall have been under charter pursuant to requisition or otherwise to the Charterer, then: (a) The term of this Charter shall com-

- (a) The term of this Charter shall commence coincidentally with the termination of the prior charter and there shall not be an interval between the two.
- (b) Except as may be otherwise provided in Clause 13, Part II, the Vessel's particulars as stated in Part I shall be understood to be her particulars as of the time of delivery to the Charterer under such prior charter.
- (c) Any insurance provided by the Charterer under cald prior charter shall terminate upon the commencement of the term

of this Charter (without prejudice to any claim that may have arisen thereunder); Provided, however, That claims for unrepaired damage under said prior insurance shall not be due and payable until the repairs are effected, or if not so effected, until the time of 'fedelivery hereunder, but in no case shall the Charterer be liable for such unrepaired damage in addition to a subsequent total or constructive total loss for which the Charterer is liable under this Charter or any insurance provided hereunder.

CLAUSE 12. The Charterer shall at all time have the option of subletting or assigning this Charter, but the Charterer shall always remain responsible for the due fulfillment of this Charter in all its terms and conditions.

CLAUSE 13A. Insofar as it is a factor in the Vessel's rate and valuation, deadweight capacity is to be established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1930, and shall be her capacity (in tons of 2240 lbs.) for cargo, fuel, fresh water, spare parts and stores but exclusive of permanent ballast. Deadweight shall be calculated without deduction for weight lost by reason of cargo refrigeration installation heretofore made, if any, and weight added by installation of refrigerated cargo capacity (including offsetting permanent ballast required thereby), arming, degaussing, demagnetizing, or the installation of splinter-protection equipment or because of ice-strengthening, or other extraordinary wartime installation of equipment, including permanent ballast, heretofore or hereafter made or required by the Charterer or any other agency of the United States.

CLAUSE 13B. In the event that the Vessel's deadweight or bale cubic refrigerated capacity, when finally determined as herein provided, shall not be in accord with the description contained in Part I hereof, the hire and valuation (if any) shall be equitably adjusted to be appropriate for the Vessel's deadweight and bale cubic refrigerated capacity. Certificates of deadweight or bale cubic capacity in satisfactory form, heretofore or hereafter furnished by American Bureau of Shipping shall be accepted as final proof of deadweight capacity and bale cubic refrigerated capacity.

CLAUSE 14. Notwithstanding any other provision of this Charter, the Charterer shall have a lien on the Vessel for all moneys paid by the Charterer for all repairs, work, or renewals to the Vessel which are for the Owner's account and for money paid and not earned or due to the Owner, and for all advances and other payments made to the Owner or on Owner's behalf and, upon redelivery, for the value of fuel, stores, appliances, equipment or machinery the Charterer may have on board or ashore which is for use on the Vessel and which the Owner has agreed to purchase or for which the Owner is liable under this Charter.

CLAUSE 15. Unless otherwise provided in this Charter or mutually agreed upon, all payments, notices and communications from the Charterer to the Owner, pursuant to the terms of or in connection with this Charter shall be made or addressed to the Owner at the address provided in Part I, and all payments, notices and communications from the Owner to the Charterer, pursuant to the terms of or in connection with this Charter, shall be made or addressed to the Charterer at its offices in Washington, District of Columbia.

CLAUSE 16. No member of or delegate to Congress or Resident Commissioner is or shall be admitted to any share or part of this Charter, or to any benefit that may arise therefrom, except to the extent allowed by Title 18 U. S. Code, Section 206. The Owner agrees not to employ any member of or delegate to Congress or Resident Commissioner,

either with or without compensation, as an attorney, agent, officer or director.

CLAUSE 17. The Owner warrants that it has

CLAUSE 17. The Owner warrants that it has not employed any person to solicit or secure this Charter upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Charterer the right to annul this Charter or, it its discretion, to deduct from any sums payable under this Charter the amount of such commission, percentage, brokerage or contingent fees. This warranty shall not apply to commissions payable by the Owner upon agreements or sales secured or made through bona fide established commercial or selling agencies maintained by the Owner for the purpose of securing business.

CLAUSE 18. This Charter may be amended,

CLAUSE 18. This Charter may be amended, modified or terminated at any time, either prospectively or retroactively, by mutual agreement between the parties hereto.

GLAUSE 19A. (1) The Owner shall and does hereby waive all claims for general average, salvage, collision or demurrage against any vessel; (a) owned by the United States; or (b) under charter to the United States on terms which would make the United States liable as Charterer, insurer or otherwise for such claims; or (c) under Charter to the United States and insured under the terms of the American Hull Form Revised (Requisitioned Vessel, 1943).

vised (Requisitioned Vessel, 1943).

(2) The Owner shall and does hereby waive all claims for general average, salvage, collision or demurrage against any other vessel owned by or under charter to any Government, and against any cargo carried on any such vessel or on any vessel described in subparagraph (1) above, to the extent such waiver may be required by the Charterer in any specific case or cases in order to give effect to any agreement for mutual or reciprocal waiver of claims entered into by the United States on behalf of vessels owned by or under charter to it.

owned by or under charter to it.

(3) The waivers provided in the paragraph A shall be effective only as to claims relating to the Vessel and arising out of her use or operation under this Charter, and such waivers shall not relieve the Charterer of any liability it may have to the Owner under the terms of this Charter.

terms of this Charter.
CLAUSE 19B. The Owner shall and does hereby waive any claim against any ship repairer, based on negligence or otherwise, arising out of repair or custody of the Vessel during the period of this Charter, to the extent that such claim, if not waived, would ultimately be borne by the United States under contract or insurance arrangement between the United States and the repairer; Provided, however, That such waiver shall not preclude recovery by the Owner against the repairer for amounts less than the customary contractual limit of \$300,000 on the repairer's liability, nor for any claim by the Owner for proper replacement of defective workmanship or material in connection with any repairs which are for the Owner's account under the terms of this Charter. The Owner shall and does hereby also waive any claim for loss of or damage to the Vessel against any stevedore to the extent that such claim, if not waived, would ultimately be borne by the United States under contract or insurance arrangement between the United States and the stevedore.

CLAUSE 19C. The Charterer shall indemnify and hold the Owner harmless for and against any loss or damage suffered or liabilities incurred by the Owner for which claim is waived under the provisions of paragraphs A or B of this Clause 19 (except claims for salvage in excess of actual costs incurred in connection therewith), and which is not recovered by the Owner under any other provisions of this Charter: Provided, however That if a valuation of the Vessel has been agreed to this indemnity shall not entitle the Owner to recover for

loss of or damage to the Vessel an aggregate sum in excess of the agreed valuation, or if no valuation of the Vessel has been agreed to, in excess of the amount of compensation payable in the event of loss of the Vessel as provided in paragraph A of Clause 10, Part II: And provided further, That this indemnity shall not entitle the Owner to recover for any period of detention or loss of use of the Vessel an aggregate sum in excess of the amount which would be payable to the Owner under the other terms of this Charter for such period.

(E.O. 9054; 7 F.R. 837)

[SEAL]

E. S. Land, Administrator

March 27, 1945.

[F R. Doc. 45-4950; Filed, Mar. 28, 1945; 11:32 a. m.]

#### Notices

#### DEPARTMENT OF THE INTERIOR.

Solids Fuels Administration for War.

[SFAW Suspension Order 1]
JOHN MASSIMO & SONS

PROHIBITION OF CERTAIN TRANSACTIONS

Correction

In Federal Register Document 45-4514, appearing on page 3056 of the issue for Thursday, March 22, 1945, the date in paragraph (5) should read "April 15, 1945."

INTERSTATE COMMERCE COMMISSION.

[S. O. 262, Special Permit 6]

REFRIGERATION OF GRAPEFRUIT FROM ELFERS, FLA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 262 of December 18, 1944 (9.F.R. 14786), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 262 insofar as it applies to the furnishing of standard refrigeration between Memphis, Tennessee, and destination on one refrigerator car, loaded with grapefruit, shipped March 26, 1945, from Elfers, Florida, by Florida Citrus Exchange, consigned to Safeway Stores, Inc., Seattle, Washington, routed via S. A. L., A. B. & C., Frisco, Union Pacific.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of March 1945.

V. C. CLINGER, Director Bureau of Service.

[F. R. Doc. 45-4938; Filed, Mar. 28, 1945;

[S. O. 288, Special Permit 3]

REFRIGERATION OF SHELL EGGS FROM CMAHA, NEBR.

Pursuant to the authority vested in me by paragraph (E) of the first ordering paragraph of Service Order No. 238 of February 27, 1945 (10 F.R. 2408) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 288 insofar as it applies to the furnishing or supplying of one refrigerator car for loading with shell eggs packed in used fibreboard egg cases, shipped by Interstate Egg Company, from Omaha, Nebraska, not later than April 1, 1945, to Jersey City, N. J. (via C&NW-IHB-PRR) provided the used fibreboard egg cases in which the eggs are packed comply with requirements of Consolidated Freight Classification No. 16.

The car order, bill of lading, other shipping papers and the waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car-Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of March 1945.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 45-4939; Filed, Mar. 28, 1945; 11:05 a.m.]

[S. O. 298]

## ROUTING SYMBOL TRAFFIC

Af a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of March, A. D. 1945.

It appearing that in the opinion of the Commission certain symbol traffic should be routed to best promote the service in the interest of the public and the commerce of the people: it is ordered, that:

(a) Routing of symbol traffic. The Seaboard Air Line Railway Company (L. R. Powell, Jr., and Henry W. Anderson, Receivers) shall route all cars of Symbol 52 originating at Baytown, Texas, by way of Wadesboro, North Carolina—Winston-Salem Scuthbound Railway Company—Winston-Salem, North Carolina—Norfolk and Western Railway Company—Hagerstown, Maryland—Western Maryland Railway Company—Shippensburg, Pennsylvania-Reading Company—Allen-

town, Pennsylvania—The Central Railroad Company of New Jersey—Cranford Junction, New Jersey—The Staten Island Rapid Transit Railway Company destined Gulfport, Staten Island, New York.

(b) Application. The provisions of this order shall apply to foreign as well

as interstate commerce.

(c) Rates to be applied. That inasmuch as such disregard of routing is deemed to be due to carrier's disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers from which the traffic is received, shall be the rates which were applicable at date of shipment over the routes so designated.

(d) Division of rates. In executing the orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized they shall not be changed or affected by this order.

(e) Effective date. This order shall become effective at 12:01 a.m., March 28, 1945.

(f) Expiration date. This order shall expire at 11:59 p. m., April 28, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10; 54 Stat. 901, 912; 49 U.S.C. 1, (10)-(17))

It is further ordered, that copies of this order and direction shall be served upon the carriers named herein and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W P. BARTEL, Secretary.

[F. R. Doc. 45-4940; Filed, Mar. 23, 1945; 11:05 a. m.]

OFFICE OF DEFENSE TRANSPORTA--TION.

[Supp. Order ODT 3, Rev. 578]

MIDDLETOWN, DAYTON, AND SPRINGFIELD,
OHIO

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2! and

as Appendix 2, and
It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transporta-, tion capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

Filed as part of the original document.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

Withdrawal of a carrier from participation in the plan for-joint action hereby approved shall not be made without prior approval of the Office of De-

fense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carners named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department. Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April. 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON, Director Highway Transport Department, Office of Defense Transportation.

APPENDIX 1 United Trucking Service, Inc., Port Huron, Mich.

The C & D Motor Delivery Co., Cincinnati, Ohio.

(F. R. Doc. 45-4914; Filed, Mar. 27, 1945; 3:06 p. m.]

[Supp. Order ODT 3, Rev. 580] LOUISVILLE, KY., AND HUNTINGBURG, IND. COORDINATED OPERATIONS OF CERTAIN

CARRIERS Upon consideration of a plan for joint

action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694, 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,1 and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

- 1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.
- 2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.
- 3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or -other
- 4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.
- 5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited repre-

sentatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the surplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON. Director. Highway Transport Department, Office of Defense Transportation.

Hancock Truck Lines, Inc., Evansville, Ind. J. A. Lottes, doing business as Jasper & Chicago Motor Express, Jasper, Ind.

Hargis Truck Line, Inc., Tell City, Ind. Herbert E. Ruff, doing business as Ruff Truck Line, Louisville, Ky. William O. Stone, doing business as

Hoosier Transit Co., Paoli, Ind.

[F. R. Doc. 45-4915; Filed, Mar. 27, 1945; 3:06 p. m.]

> [Supp. Order ODT 3, Rev. 595] ALABAMA

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,1 and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment,

<sup>&</sup>lt;sup>1</sup>Filed as part of the original document.

and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall super-sede any provisions of such plan that are

in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

- 4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan. would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.
- 5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.
- Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made with-

out prior approval of the Office of Defense Transportation.

- 7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this
- 8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.
- 9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON, Director Highway Transport Department, Office of Defense Transportation.

G. T. McDowell, doing business as G. T. McDowell Truck Lines, New Brockton, Ala. Rudolph Herring, doing business as Herring Truck Lines, New Brockton, Ala.

[F. R. Doc. 45-4916; Filed, Mar. 27, 1945; 3:06 p. m.]

> [Supp. Order ODT 3, Rev. 597] NEW YORK AND ALBANY, N. Y.

COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Dafense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,1 and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the suc-

cessful prosecution of the war, It is hereby ordered, That:

- 1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.
- 2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order. tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.
- 3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved. the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.
- 4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such applica-tion with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions. of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Da-

fense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this ore er. Upon a transfer of any operation in-

No. 63----8

Filed as part of the original document.

volved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON, Director Highway Transport Department, Office of Defense Transportation.

B. & E. Transport Co., Inc., Secaucus, N. J. Monarch Motor Freight Co., Inc., Watervliet, N. Y.

Amsterdam Despatch, Inc., Amsterdam, N. Y.

[F. R. Doc. 45-4917; Filed, Mar. 27, 1945; 3:05 p. m.]

> [Supp. Order ODT 3, Rev. 599] CALIFORNIA

COORDINATED OPERATIONS OF CERTAIN CARRTERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede

any provisions of such plan that are in conflict therewith.

- 2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.
- 3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.
- 4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.
- 5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor

in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyoud the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON, Director Highway Transport Department, Office of Defense Transportation.

#### APPENDIX 1

Sidney A. Watz, doing business as Watz & Son Moving, Oakland, Calif.
H. Baker, doing business as Baker's Storage

and Moving Service, Oakland, Calif.

M. W. Lynch, Oakland, Calif.

John W. Roy and Bert Roy, doing business as American Moving & Storage Co., Oakland, Calif.

Jessie J. Norton, doing business as Western Van & Storage Co., Berkeley, Calif.

Ken L. Wells, doing business as Wells Van

and Storage Co., Oakland, Calif.
Bob L. Clinton, doing business as Clinton Drayage, Alameda, Calif.

J. B. Korich, doing business as J. B. Express, Oakland, Calif.

[F. R. Doc. 45-4918; Filed, Mar. 27, 1915; 3:05 p. m.]

[Supp. Order ODT 3, Rav. 602]

BALTIMORE, MD., AND WASHINGTON, D. C. COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached

hereto as Appendix 2,¹ and
It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the fol-

<sup>&</sup>lt;sup>1</sup> Filed as part of the original document.

lowing provisions, which shall supersede any provisions of such plan that are in conflict therewith.

- 2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this
- .3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.
- 4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.
- 5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.
- 6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made-without prior approval of the Office of Defense Transportation.
- 7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions

of his predecessor in accordance with the provisions of this order.

- 8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.
- 9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

Guy A. Richardson, Director Highway Transport Department, Office of Defense Transportation.

#### APPENDIX I

Tidewater Express Lines, Inc., Baltimore, Md.

Charles E. Hopwood, Jr., doing business as Hopwood Transportation Co., Baltimore, Md. [F. R. Doc. 45–4919; Filed, Mar. 27, 1945; 3:04 p. m.]

[Supp. Order ODT 3, Rev. 603]
KALAMAZOO AND STURGIS, MICH.
COORDINATED OPERATIONS OF CERTAIN
CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R., 2793, 3204, 3357, 6778), a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected

by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Dafense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

Filed as part of the original document.

9: Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise cirected, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25. D. C.

25, D. C.
This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON,
Director
Highway Transport Department,
Office of Defense Transportation.

#### APPENDIX 1

Interstate Motor Freight System, Grand Rapids, Mich.

Albert Van Zoren, doing business as Alvan Motor Freight, Holland, Mich.

[F. R. Doc. 45-4920; Filed, Mar. 27, 1945; 3:04 p. m.]

[Supp. Order ODT 3, Rev. 604] SACRAMENTO, CALIF. AND RENO, NEV.

COORDINATED OPERATIONS OF CERTAIN
CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this

order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

- 3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.
- 4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.
- 5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON,
Director,
Highway Transport Department,
Office of Defense Transportation.

#### Apprenty 1

Valley Motor Lines, Inc., Fresno, Calif. Oregon-Nevada-California Fast Freight, Inc., San Francisco, Calif.

[F. R. Doc. 45-4921; Filed, Mar. 27, 1043; 3:04 p.m.]

[Supp. Order ODT 3, Rev. 606]

Worcester, Brockton, Montello, Taunton, Bridgewater, and Whitman, Mass.

COORDINATED OPERATIONS OF CERTAIN CARRIÉRS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of serv-

<sup>&</sup>lt;sup>1</sup> Filed as part of the original document.

ice by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of De-

fense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON, Director Highway Transport Department, Office of Defense Transportation.

Alvin Holmes, doing business as Holmes Transportation Service and/or Jones Express, Worcester, Mass.

Harry H. Carron, doing business as Wor-cester & Taunton Express, Worcester, Mass.

[F. R. Doc. 45-4922; Filed, Mar. 27, 1945; 3:05 p. m.]

[Supp. Order ODT 3, Rev. 693] CONNECTICUT, NEW JERSEY AND NEW YORK COORDINATED OPERATIONS OF CERTAIN CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT-3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 FR. 4660, 14582; 9 FR. 2793, 3264, 3357, 6778), a copy of which plan is attached

hereto as Appendix 2,1 and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in con-

flict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction.over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carners' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transpor-

tation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Da-

fense Transportation.

- 7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Dafense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.
- 8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.
- 9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON, Director, Highway Transport Department, Office of Defense Transportation.

<sup>\*</sup>Filed as part of the original document.

#### APPENDIX 1

Anthony J. Madden, doing business as A. J. Madden & Son, White Plains, New York.

Charles Herbert: Close, doing business as

Charles Herbert Close, doing business as Beverly Moving Company, Yonkers, New York.

[F. R. Doc. 45-4923; Filed, Mar. 27, 1945; 3:03 p. m.]

[Supp. Order ODT 3, Rev. 623] New Jersey and New York

COORDINATED OPERATIONS OF CERTAIN
CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

- 1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.
- 2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.
- 3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.
- 4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in yiolation

of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible dili-The coordination of operations gence. directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON,
Director
Highway Transport Department,
Office of Defense Transportation.
Appendix 1

Delaware Valley Express, Inc., Hankins, N. Y.

Rupp Trucking Company, Inc., Monticello, N. Y. Harry B. Miller, doing business as Southern

Tier Trucking Co., Middletown, N. Y.

[F. R. Doc. 45-4924; Filed, Mar. 27, 1945; 3:05 p. m.]

[Supp. Order ODT 6A-96] El Dorado, Ark.

COORDINATED OPERATIONS OF CERTAIN
CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of Genéral Order ODT 6A, as amended (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in order to conserve and providently utilize vital transportation equipment, materials, and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the porsons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall file forthwith a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or appropriate supplements to filed tariffs or schedules, setting forth any changes in rates, charges, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs, schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the ap-

<sup>&</sup>lt;sup>1</sup> Filed as part of the original document.

propriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made with-

out prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

Guy A. Richardson, Director, Highway Transport Department, Office of Defense Transportation.

APPENDIX 1

Black Motor Lines, Inc., El Dorado, Ark. Railway Express Agency, Incorporated, New York, N. Y.

Fargo Truck Lines, Memphis, Tenn.

[F. R. Doc. 45-4925; Filed, Mar. 27, 1945; 8:03 p. m.]

[Supp. Order ODT 6A-97]

NEW ORLEANS, LA.

COORDINATED OPERATIONS OF CERTAIN
CARRIERS

Upon consideration of a plan for joint action filed with the Office of Defense

Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A, as amended (8 F.R. 8757, 14582; 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in order to conserve and providently utilize vital transportation equipment, materials, and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall file forthwith a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or appropriate supplements to filed tariffs or schedules, setting forth any changes in rates, charges, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs, schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper, or to exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers partaining to any transportation performed pursuant to this order and to the provisions of such plan shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of De-

fense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective April 2, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of March 1945.

GUY A. RICHARDSON,
Director
Highway Transport Department,
Office of Defense Transportation.

#### APPENDIX 1

Samuel S. Selther, doing business as Modern Motor Transportation Line, New Orleans, Louisiana.

Ollahoma-Louisiana Motor Freight Co., Oklahoma City, Ollahoma.

Red Ball, Inc., Sapulpa, Oklahoma. Sugar Creek Greamery Company, Russellville. Arkansas.

Loraine Transfer Company, Inc., Shreveport, Louisiana.

Lonard Furr, doing business as Leonard Furr Truck Line, New Orleans, Louisiana.

H. J. Roublon, doing business as Hamilton Roublon Transfer and Storage, Covington, Louislana.

A. F. Akin, doing business as Akin Truck Line, Shreveport, Louislana.

[F. R. Doc. 45-4926; Filed, Mar. 27, 1945; 3:03 p. m.]

<sup>&</sup>lt;sup>1</sup>Filed as part of the original document.

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# OFFICE OF PRICE ADMINISTRATION

MPR 120 Order 1325]

ET AL BELFRY COAL CO

AND ESTABLISHMENT OF MAXIMUM PRICES PRICE CLASSIFICATIONS companying opinion and in accordance with £1340 210 (a) (b) of Maximum Pulo, Free Company (c) of Company (c) numbers the price classifications and the maximum prices in cents per net ton for the indicated uses and shipments as set forth herein All are in District No 8 with \$1340 210 (a) (6) of Maximum Price Regulation No 120; It is ordered: Producers identified herein operate classifications assigned are permanent but the maximum prices may be changed The mine index numbers and the price named mines assigned the mine index

an amendment issued after the ef-

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fective date of this order

ton f o b river shipping point However producer is subject to the provisions of § 1340 219 and all other provisions of Maximum Price Regulation No 120 an amendment is issued for the district in which the mines involved herein are located and where the amendment makes mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f o b such shipments are those established for rail shipment and are in cents per net In cases where mines ship coals by river the prices for no particular reference to a minyolved herein the prices so forth in such ame the price classifications of the size groups. The location of is given by county and state mun prices stated to be for ment are in cents per net rail shipping point

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		Price classification	Little Cedar Coal Co. Freeborn, KY, Little Cedar Mine Cedar Sea. Ty. Ry, Suddishict & Rail Shiping Point Delarne W Va. F O C Price Co. On No. 4
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MAXIMUM TRUCK Mine Index No 130 Deep Mine 30

Mine Index No 7821, Bril County, Dref Mine Maximum Truck Price Miracie Coal Có. Box 641, Lynch Ky., Miracie Mine, Mason Sean Ky., Surdistrict () Rail Shipping Point Miracie Ky F () G 111 Group No

Price classification Rail shipment 346 Railroad fuel 345 Truck shipment 405	8888 8888 8888 8888		335 355 350 350 350 350 350 350 350 350	75555 355 355 355 355 355 355 355 355 35	NSSS SSS SK	3335 56335 5635 5635 5635 5635 5635 563	RSSS	305 310	터워၀	310	088	0 275 275	O
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Mine Index Deep Mine SEAN G. GI Moinart and Rose, cjo Victor V. Molinary Grethël, Ky. No. 1 Mine, Elkhorn #2. No. 7316, Floyd County, Ky., Suddistrict 1 Rail Shipping Point Harold Ky. F O Maximum Truck Price Group No. 3

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Price classification Rail shipment and railroad fual Truck shipment	POTTERS FORK COAL CO, GROMO! KY,, SUIDISTRICT 1 RAIL SHIPP GROUP NO 5

Potters Fork Coal Co , Cromona, Kt., No. 1 Mire, Elkhorn Sean, Mine Index No. 7225, Lepcher County, Ky., Subdistrict 1 Rail Shipping Point Flexing, Ky. F O G 62 Deep Mine Maximum Truce Reice Group No 5

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effective shall become March 27 1945 order  $\mathbf{This}$ 

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(56 Stat 23 765 57 Stat 566; Pub Law 383 78th Cong; EO 9250 7 F.R. 7871; EO 9328 8 F.R. 4681) Issued this 26th day of March 1945

CHESTER BOWLES

27 1945; Administrator 45-4384; Filed, Mar 11:57 a m ] ရှိ /出 ഥ

Alfred Hutton and Buena Vista Coal MPR 120 Order 1326

AND

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an accom-PRICE CLASSIFICATIONS

panying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No 120; It is ordered: Producers identified herein operate named mines assigned the mine index

numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 18. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.229 and all other provisions of Maximum Price Regulation No. 120.

Alfred Hutton, Grants, New Mexico, Hutton Coal Mine, Unnamed Seam, Mine Index No. 1907, Valenci<sup>A</sup>
County, New Mexico, Rail Shipping Point, Quief, New Mexico, Deep Mine, Subdistrict No. 1 For Rail
Shipment and Railroad Fuel

					8	ire gro	up No.					
	1	2	4	6	7	8	9	11	12	13	15	161
Rail shipmentTruck shipment:	615 625	580 600	570 575	529 525	495	455 475	230	335 335	3315 345	275	475 500	£0.5

<sup>&</sup>lt;sup>1</sup> Engine coal for railroad and locomotive use—all sizes between 8" maximum top size and \(\frac{1}{2}\)" minimum bottom size are included in size group No. 16. Where the size involved is not included in size group No. 16, the maximum price applicable to such size for railroad fuel all uses, shall be the price listed for rail shipment for the coals of the size group in which it is included.

BUENA VISTA COAL MINE, P. O. BOX \$203, IONE, CALIFORNIA, BUENA VISTA MINE, UNNAMED SEAM, MINE INDEX NO. 1014, AMADOE COUNTY, CALIFORNIA, RAIL SHPPING POINT, AMADOR CENTRAL SDG., CALIF., DEEP MINE

	Lump	Egg	Nut
Rail shipment and railroad fuel, all uses Truck shipment	810	660	510
	610	400	310

This order shall become effective March 28, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 27th day of March 1945.

CHESTER BOWLES, Administrator

[F. R. Doc. 45-4885; Filed, Mar. 27, 1945; 11:55 a. m.]

[MPR 188, Order 3505]

COMMERCIAL MANUFACTURING CO.

-APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered:

- (a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Commercial Manufacturing Company, 519 White Building, Seattle 1, Washington.
- (1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below.

Maximum prices for reliers other than the prices for manufacturer Mode No. to manufacturer Article Job. Retail-Retail-Users CI3 CL2 Ecch Ecth Erich Nail file ..... \$0.03 80.0335 80.0335 20.10

These maximum prices are for the article described in the manufacturer's application dated January 2, 1945.

- (2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. Those prices are f. o. b. factory and subject to no cash discount.
- (3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.
- (4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.
- (b) The manufacturer shall attach a tag or label to every article for which a

maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

#### OPA Retail Celling Price, 89.10 Do Not Datach

(c) At the time of, or prior to, the first invoice to each purchaser for recals, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at

ny time

(e) This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4833; Filed, Mar. 27, 10\*\* - 12:00 m]

[MPR 183, Order 3511]

TRIMBLE NURSERYLAND FURNITURE, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; It is ordered:

- (a) This order establishes maximum prices for sales and deliveries of a "Kiddie-Koop" manufactured by Trimble Nurseryland Furniture, Inc., Rochester, New York.
- (1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below-

Articla	Model No.	Manufac- turer's mad- mum price to persons, other than retailers, who sell from the manu- facturer's steck	Maximum price for sales to retailers by the ment ac- turer, and by persons, other than retailer, who sell from the manu- facturer's steels
"Kiddie-Kcop".	A-60	Each \$18.66	Each \$22,30

These prices are f. o. b. factory, and are for the articles described in the manufacturer's application dated November 9, 1944.

- (2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.
- (3) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be

No. 63---9

those determined by applying to the prices specified above, the discounts, allowances, and other price differentials made by the manufacturer, during March'1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

- (b) At the time of, or prior to, the first invoice of each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.
- (c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES. Administrator

[F R. Doc. 45-4889; Filed, Mar. 27, 1945; 11:55 a. m.]

#### [MPR 188, Order 3512] RICH TOOL CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered.

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Rich Tool Company, of 3112 S. Western Avenue, Los Angeles 7, California.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below.

MAXIMUM PRICES FOR SALES OF REVERSIBLE ROLLER LOCK WRENCH, MODEL No. R-1

By manufacturer to— Distributor	1.13
By sales other than manufacturer to—	1.46
Wholesaler (stocking jobber)	1.13 1.46
RetailerConsumer	2. 25

These maximum prices are for the articles described in the manufacturer's application dated December 20, 1944.

- (2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f, o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.
- (3) For sales by persons other than the manufacturer, the maximum prices

apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been author-1zed by the Office of Price Administra-

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

#### OPA Retail Ceiling Price, \$2.25 Do not remove or obliterate

- (c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.
- (d) This order may be revoked or amended by the Price Administrator at any time.
- (e) This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES, Administrator

[F. R. Doc. 45-4890; Filed, Mar. 27, 1945; 11:55 a. m.]

#### [MPR 188, Order 3513] THE EARL NOVELTY CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; It is ordered.

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by The Earl Novelty Co., 6039 Evanston

Ave., Indianapolis, Ind.
(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below.

Article	Model No.	mum price to persons, other than retailers, who sell from the manufac-	to retailers by the manufac- turer, and by
Wall rack Corner rack Wall rack Corper rack Wall rack	10 11 20 21 31 1 2	Each \$2.04 1.23 1.91 1.06 1.28 11.73 6.34 1.41	Each \$2. 40 1. 45 2. 25 1. 25 1. 50 13. 80 7. 46 1. 66

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated February 1, 1945.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washmgton, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who solls from the manufacturer's stock, the manufacturer shall notify the purchaser of the max'mum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES. Administrator

[F R. Doc. 45-4891; Filed, Mar. 27, 1945; 12:00 m.]

IMPR 188. Order 35141

NATKIN AND CO.

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188: It is ordered.

- (a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Natkin and Company, 3920 Lindell Boulevard, St. Louis, Mo.
- (1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below

Article	Model No.	persons, other than retailers, who sell from the manufac-	to retailers by the manufac- turer, and by persons, other than retailers,
Bed tray	45	Each \$5.86	Each \$0.90

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated January 29, 1945.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

- (3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.
- (b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-4892; Filed, Mar. 27, 1945; 12:00 m.]

#### [MPR 188, Order 3515]

EASTERN FURNITURE MANUFACTURING CO. APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal

Register, and pursuant to § 1499.158 of MPR 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Eastern Furniture Mfg. Company, Montgomery, Pennsylvania.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below.

Article	Model No.	Manufac- turer's maximum price to persons other than retailers who sell from their own stock	maximum price to persons other than retailers, who sell from the	Maximum price for sales to retailers by the manu- facturer, and by persons, other than retailers, who sell from the manufac- turer's stock
Crib	335 324	Each \$18 9	Each \$19.13 9.56	Each \$22,20 11,25

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated January 13, 1945.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of the product.

tive date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaset or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Fricing Method § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on, the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4893; Filed, Mar. 27, 1945; 12:01 p. m.]

## [MPR 188, Order 3516] PEYTON W. DOUGLAS

# APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Peyton W. Douglas, 301 Robineau Road, Syracuse, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	turer's maximum price to percons, other than retailers, whosell from	
Baby bath	 Ecch \$9.81	Ecth \$11.55

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated January 13, 1945.

tion dated January 13, 1945.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at

any time.

This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4894; Filed, Mar. 27, 1945; 12:01 p. m.]

#### [MPR 183, Order 3518]

#### RICHMOND MANUFACTURING CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.153 of Maximum Price Regulation No. 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Richmond Manufacturing Company of Richmond Highlands, Washington.

(1) For all sales and deliveries to the following classes of purchasers by any person, the maximum prices are those set forth below.

	Maximum prices for sales to					
Article	मेन स्थाप स्याप स्थाप स्याप स्थाप स्याप स्थाप स्याप स्थाप स	Job-	Re- tail- ers	Ultir consu		
Hand garden trowel Hand garden culti- vater Hand garden veeder.	\$0.23	dozen		Per dozen \$0.66 .96	Ewh \$0.03 .03	

These maximum prices are for the articles described in the manufacturer's application dated August 8, 1944.

- (2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. Richmond Highlands, Washington.
- (3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. These prices are subject to each seller's customary terms and conditions of sale on sales of similar articles. In the case of sales by jobbers, they are f. o. b. seller's city.
- (4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.
- (b) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and condi-

tions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This order shall become effective on March 28, 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 45-4896; Filed, Mar. 27, 1945; 11:57 a. m.]

# [MPR 188, Order 3519] Kinney Aluminum Co.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered.

- (a) This order establishes maximum prices for sales and deliveries of certain carpet sweepers manufactured by the Kinney Aluminum Company, 5900 South Boyle Avenue, Los Angeles 11, California.
- (1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below; the maximum prices are those set forth below.

	Maximi	Maximum			
Article and model	Jobbers	Mail order houses or chain stores	Other retailers	prices for sales by retailer to consumer	
Carpet sweeper E—Plain metal case brush not adjustable. One	Each \$2, 25	Each \$2.43	Each \$2, 70	Each \$4.50	
Carpet sweeper S—Plain metal case brush not adjustable. Two- colors, Comb. Carpet sweeper B—Metal case. Design bosses. Striped in con-	2.75	2.97	3.30	5, 50	
trasting colors. Three colors. Adjustable brush. Dump lever has plastic knob. Solid bumper 36" x 3".  Carpet sweeper D-Metal case. Design bosses. Striped in con-	. 2,98	3, 20	3. 57	5, 95	
trasting colors. Three colors. Adjustable brush. Dump lever has plastic knob. Solid rubber bumper 1/2" x 1".  Carpet sweeper S. D.—Window in case. Chrome trum bands.	3. 23	3.48	3.87	6.45	
Four-colors. Adjustable brush. Single dump lover. Solid rubber bumper 1/2" x 1"	3.75	4.05	4. 50	7.50	

These maximum prices are for the articles described in the manufacturer's application dated December 14, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. Those prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price

Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices bave been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the retail prices properly filled in:

# OPA Retail Ceiling Price, \$\_\_\_\_\_ Do Not Detach

-(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

, CHESTER BOWLES,
Administrator

[F. R. Doc. 45-4897; Filed, Mar. 27, 1946; 11:57 a. m.]

[MPR 188, Order 3517]

ART-FOLD MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1409.158 of MPR 188; It is ordered.

(a) This order establishes maximum prices for sales and deliveries of radiator enclosures manufactured by Art-Fold Manufacturing Company, 114 Wilkens Avenue, Port Chester, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below.

• Articlo	Standard sizo	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Square radiator enclosure	30" wido 24" high 11" deep	Each \$9, 24	Euch \$11.55
Octagonal radiator en- closure.	30" wido 24" high 11" deep	12.49	15.61

The maximum price of any article that differs in size from any standard article shall be computed by adding to the above maximum prices for the standard articles, the appropriate maximum prices specified below.

	Mapufac- turer's maxi- mum price to persons, other than retailers, who soil from the manufactur- er's stock	Maximum price for sales to retailers by the manu- facturer, and by persons, other than retailers, who sell from the manufactur- or's stock
For each additional 2 inches in height	\$0.52	\$0, 03
For each additional sce- tion of 10 inches in width. For each additional 4 inches in depth beyond	2.00	2, 60
a depth of 14 inches	1.00	1,25

These prices are f. o. b. factory, are subject to a cash discount of one percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application received by the Office of Price Administration on November 28, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method § 1499.158, of MPR. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at

any time.

This order shall become effective on the 28th day of March 1945. —

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-4895; Filed, Mar. 27, 1945; 12:01 p. m.]

## [MPR 188, Order 3520] KWIK-LITE Co.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.153 of Maximum Price Regulation No. 188; It is ordered:

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Kwik-Lite Company, 26 West 23rd Street, New York 10, New York.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below.

	<b>&gt;</b>	Maximum prices for sales by all persons—		
Article -	Num- ber	To whole- salers	To retail- ers	To con- sumers
Stamless' steel cigarette		Per Doz. \$2.65	Per Doz. \$3.53	Each \$0.49

These maximum prices are for the articles described in the manufacturer's application dated February 10, 1945.

- (2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 488 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30 days. The maximum price to consumers is net delivered.
- (3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.
- (4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—\$0.49 each

. Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at

any time.

(e) This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4293; Filed, Mar. 27, 1945; 11:57 a. m.]

[MPR 188, Order 3521]

Universal Tool & Stamping Co.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered:

- (a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Universal Tool and Stamping Company, of Spencerville, Indiana.
- (1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

	Māximum prices for sales by—				
Article	Manufacturer to—		Sellers other than manu- facturer to		
	Whole- calcrs (Job- ters)	Re- tallers	Re- tailars	Con- sum- ers-	
Dual cetton "V" bor wire fonce circtebor.	Ecch \$0.00	Each \$1. 19	Each \$1.19	Eval. \$1.70	

These maximum prices are for the articles described in the manufacturer's application dated September 18, 1944.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of

similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag-or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following state-

ment:

#### OPA Retail Celling Price, \$1.70 Do Not Remove or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at

any time.

(e) This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4899; Filed, Mar. 27, 1945; 11:58 a.m.]

[MPR 183, Order 3522]

JOSEPH SHAW CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and pursuant to § 1499.157 of-Maximum Price Regulation No. 188 and section 6.4 of Second Revised Supplementary Regulation No. 14: It is ordered.

(a) This order establishes maximum prices for sales and deliveries of a certain mophead and connector manufactured by the Joseph Shaw Co., Summit and Perry Streets, Toledo 4, Ohio.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below

١	Maximu for sale	m prices es by—
Article	The man- ufacturer to re- tailers	
Mop head and connectors with zinc plating, cadmium plated bolts and wing nuts 1" handles 46" to 48" long	Each \$0. 25	Each \$0.40

These maximum prices are for the article described in the manufacturer's application dated December 27, 1944.

(2) These prices are subject to each seller's customary terms, allowances, and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. This tag or label shall contain the following statement:

#### OPA Retail Ceiling Price, \$0.40 Do Not Remove

(c) At the time of or prior to the first invoice to each purchaser for resale after the effective date of this order the Joseph Shaw Co. shall notify the purchaser in writing of the maximum price and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-4900; Filed, Mar. 27, 1945; 12:03 p. m.]

[MPR 188, Order 3523]
ALL-WOOD PRODUCTS Co., INC.
APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered.

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by All-Wood Products Company, Inc., 1934 Jerome Avenue, New York 53, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below.

Article	Model	Maximum prices for manufacturer to—		Maximum prices for sellers other than the manufacturer to—	
		Wholesaler	. Retailer	Rotailer	Consumer
Hamper masonite 400	20 x 10 x 20	Each \$4,00 4,50	Each \$5,00 5,75	Each \$5.00 5.75	Each \$0.95 7.95

These maximum prices are for the articles described in the manufacturer's application dated December 5, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with retail prices properly filled in:

OPA Retail Ceiling Price, \$\_\_\_\_ Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-4901; Filed, Mar. 27, 1945; 11:58 a. m.]

## [MPR 188, Order 3524]

#### CARME

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered.

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Carme, 335 South Dearborn Street, Chicago, Illinois.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below

Article	Model No.	Maximum prices to	for manufacturer	Maximum prices for sellers other than the manufacturer to—		
		Jöbber	Retailer	Retailer	User	
Steel wool Rubber sink stopper	1 oz. pkg 4½" dia	\$4 gro. pkg \$7.20 gro	\$5 gro. pkg \$8.64 gro	\$5 gro. pkg \$3.64 gro.	\$0.05 ca. pkg. \$0.10 ca.	

These maximum prices are for the articles described in the manufacturer's application dated February 3, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washing-

ton, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the retail prices properly filled in.

#### OPA Retail Ceiling Price, \$\_\_\_\_ Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales

-by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 28th day of March 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES, Administrator

[F. R. Doc. 45-4902; Filed, Mar. 27, 1945; 12:01 p. m.]

[MPR-188, Order 3525]

BEHRENS FIXTURE Co.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.158 of Maximum Price Regulation No. 188; It is ordered:

(a) The maximum net prices, f. o. b. Denver, Colorado, for sales by the Behrens Fixture Company of the following farm and home freezers shall be:

Mode.	Size	On sales to distribu- ters	On siles to dealers	On sales to consumers
"T" Freeze-Master	10 cu. ft. 34 HP condensing unit 14 cu. ft. 34 HP condensing unit	<b>ង</b> ន្ត	\$216 270	ജ് 490

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser as a charge to cover the cost of crating, when crating is actually supplied: \$6.00.

(c) The maximum net prices for sales by distributors of the following farm and home freezers manufactured by the Behrens Fixture Company shall be:

Model	Size	On sales to dealers	On sales to con- sumers
"T" Freeze-Master.	condensing	\$216 •	\$360
"T" Freeze-Master.	unit. 14 cu. ft. 14 HP condensing unit.	276	460

(d) The maximum net prices for sales by dealers to consumers of the following farm and home freezers manufactured by the Behrens Fixture Company shall be:

Model	Size	On sales to con- sumers
"T" Freeze-Master "T" Freeze-Master	10 eu. ft. 14 HP con- densing unit. 14 cu. ft. 14 HP con- densing unit.	\$216 460

(e) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(f) A distributor or dealer may add the following charges to the maximum prices established in (c) and (d) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the following: \$6.00.

(g) Each seller of a commodity covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established

by this order for each such seller as well as the maximum prices established for purchasers upon resale, including allowable transportation and crating charges.

(h) The Behrens Fixture Company shall stencil on the inside of the lid or cover of each farm and home freezer covered by this order, the maximum net prices to consumers established by this order. The stencil shall contain substantially the following:

OPA Maximum Retail Price, Plus freight and crating as provided in Order No. 3525 under Maximum Price Regulation No. 188

 (i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 28, 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4903; Filed, Mar. 27, 1945; 12:02 p. m.]

[RMPR 499, Amdt. 1 to Order 2] GRUEN WATCH CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 14 of Revised Maximum Price Regulation No. 499: It is ordered, That paragraph (b) of Order No. 2 under section 14 of Revised Maximum Price Regulation No. 499 be amended in the following respects:

 There is added at the end of the list of watch models and prices, the following additional models and prices.

Style name	Maximum price to retailers (Keystane list price)	Maximum retail prices including Federal exeirs tax
Veri-Thin Callente Veri-Thin Dainty Veri-Thin Btyllst Veri-Thin Cardinal Veri-Thin Dinah Veri-Thin Swarthmero Veri-Thin Carolo Veri-Thin Carolo Veri-Thin Scarthmero Veri-Thin Carolo Veri-Thin Sclma Veri-Thin Aylatrix	\$3.39 83.89 83.89 83.89 83.89 81.10 81.10 43.99	\$42.50 23.75 42.50 45.60 42.60 45.60 25.75 57.60 43.76

2. There is added at the end of the list of prices the following: "No charge may be added to the above maximum retail prices for the extension of credit."

This amendment shall become effective March 28, 1945.

Issued this 27th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4936; Filed, Mar. 27, 1925; 12:03 p.m.]

[Restaurant MPR 9-1, Order R-183]

FOOD AND DRINKS SOLD FOR ILLIMEDIATE CONSULIPTION IN ISLANDS OF OAHU, MAUI, AND HAWAII, TERRITORY OF HAWAII

SPECIFIC DOLLARS-AND-CENTS PRICES FOR CERTAIN FOOD AND DRINK ITEMS SOLD BY EATING AND DRINKING ESTABLISHMENTS

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and under the authority vested in the Territorial Director of the Office of Price Administration for the Territory of Hawaii by section 17 of Restaurant Maximum Price Regulation No. 9–1, it is hereby ordered:

Section 1. What this order covers. This order fixes ceiling prices for sales by eating and drinking establishments of the food items, beverages, and meals set forth in Appendix A below. The ceiling prices for all other food items, beverages and meals covered by Restaurant Maximum Price Regulation 9-1 remain under that regulation.

Sec. 2. Geographical applicability. The provisions of this order extend to eating and drinking establishments located on the Islands of Oahu, Maui, and Hawaii.

SEC. 3. Sales at higher than ceiling prices prohibited. On and after February 12, 1945, on the Island of Oahu and on and after March 12, 1945, on the Islands of Maui and Hawaii, no person operating an eating or drinking establishment covered by this order shall sell or offer to sell any of the food items, meals or beverages listed in Appendix A at prices higher than the prices set forth therein.

Sec. 4. Relation to other regulations. This order supersedes Restaurant Maximum Price Regulation 9-1 as to the food items, beverages or meals set forth in Appendix A, except that the provisions of section 10 (evasion), section 11 (b) (customary records) section 12 (posting) section 15 (definitions and explanations), section 16 (exempt sales), section 17 (special orders), section 18 (petitions for amendment or applications for adjustment) section 19 (licensing) and section 20 (enforcement) are incorporated into this order and shall continue to apply to all sales by eating and drinking places of the food items, beverages or meals set forth in Appendix A.

#### APPENDIX A

Celling prices for hamburger sandwiches, hot dog sandwiches, unbottled soft drinks,

and canned fruit and vegetable juices sold by the entire container.

(a) Flat, or dollar and cents ceiling prices for hamburger sandwiches, hot dog sandwiches, unbottled soft drinks, and canned fruit and vegetable juices sold by the entire

Note: Unless otherwise specified, the ceiling prices set forth in this paragraph shall apply throughout the Islands of Oahu, Maui and Hawaii.

(1) Hamburger sandwiches.1 Ceiling price (i) Containing less than 2 oz. (raw

wt.) of ground meat\_\_\_\_ (ii) Containing from 2 oz. up to but not including 3½ oz. (raw . 15

.20

กร

.10

. 10

15

. 20

and including 5 oz. (raw wt.) of ground meat\_\_\_\_

(iv) Additional charge which may be added to the hamburger sandwiches, set forth above in subdivisions (i), (ii), and (iii), when not less than 1 oz. of tomato or 1 oz. of cheese is added to the hamburger sandwich\_.

(2) Hot dog sandwiches.1 Hawaii (i) Containing less than 11/2 oz. (raw wt.) frankfurter or other \$0.05

meat in casing, \$0.10\_\_\_ (ii) Containing from 1½ oz. up to but not including 5 oz. (raw wt.) frankfurter or other meat in casing, \$0.15\_\_

(iii) Additional charge which may be added to the hot dog sandwiches set forth above in subdivisions (i) and (ii), when not less than 1 oz. of tomato or 1 oz. of cheese is added to the hot dog sandwich, \$0.05.

(3) Soft drinks, unbottled.

(i) Soft drinks, other than those in bottles or other closed contain, ers. This classification includes all flavored or unflavored nonalcoholic beverages, except milk drinks, fruit or vegetable juices, or combinations thereof, whereby at least 85% by weight is milk or pure fruit or vegetable

juice or a mixture thereof.

(a) Containing from 6 up to but not including 10 fluid oz\_\_\_\_\_ (b) Containing from 10 up to but not including 18 fluid oz\_\_\_

(c) Containing 18 fluid oz. or more. (4) Canned fruit and vegetable juice

sold by the entire container. (i) Apple juice, 12 oz. can\_\_\_\_\_ . 20

(ii) Apple juice, 6 oz. can.... .15 (iii) Grapefruit juice, 18 oz. can\_ .20 (iv) Grapefruit and orange juice, blended 18 oz. can\_\_ . 25 (v) Orange juice, 18 oz. can\_\_\_\_\_ .30

(vi) Orange juice, 12 oz. can\_\_\_\_\_ (vii) Pineapple juice, 18 oz. can\_\_\_\_ .15 (viii) Prune juice, 12 oz. can..... .20

(ix) Tomato juice, 18 oz. can\_\_\_\_\_ . 15 (x) Tomato juice, 12 oz. can\_\_\_\_ (xi) Vegetable juice, 18 oz. can\_\_\_\_ . 10 . 25

(xii) Vegetable juice, 13 or 14 oz.

<sup>1</sup> Each hamburger or hot dog shall be served in a standard hamburger or hot dog bun or between two slices of bread, with not less than one of the following: onion, lettuce, or a condiment.

(b) Ceiling prices for other hamburger sandwiches, hot dog sandwiches, unbottled soft drinks and canned fruit juices sold by the entire container. (1) No person may sell or offer to sell a hamburger sandwich, hot dog sandwich, unbottled soft drink, or canned fruit or vegetable juice sold by the entire container not listed in paragraph (a) above, until he has applied by letter to the

Office of Price Administration, Honolulu 2, T. H., and until a ceiling price has been approved or established for such food item or beverage under this order in line with the level of ceiling prices established by this order. The application shall contain a description of the hamburger sandwich, hot dog sandwich, unbottled soft drink, or canned fruit or vegetable juice to be sold, the name and address of the applicant, a statement of ingredient costs, and the proposed ceiling price. The proposed ceiling price shall be deemed approved 10 days after mailing such application unless the Office of Price Administration notifies the seller that the proposed price has been disapproved.

(2) The Director of the Office of Price Administration for the Territory of Hawali may by order at any time establish, approve, disapprove, or revise ceiling prices proposed or established under this paragraph so as to bring them in line with the level of ceiling prices otherwise established by this order.

This order shall become effective February 12, 1945, on the Island of Oahu. and March 12, 1945, on the Islands of Mau and Hawaii.

Issued this 19th day of January 1945.

GERALD A. BARRETT. Territorial Director

[F R. Doc. 45-4956; Filed, Mar. 28, 1945; 11:46 a. m.l

> [Supp. Order 94, Order 41] GASOLINE OR OIL DRUMS SPECIAL MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) What this order does. This order establishes maximum prices at which the gasoline and oil drums (5 gallon capacity) hereinafter described may be sold by the United States Government or any agency thereof and by any subsequent reseller.

(b) Maximum prices. Maximum prices per unit for the gasoline and oil drums described herein shall be:

Description of drums. 5 gallon, 22 gauge, flat top, cylindrical drum, single walled, welded side seam, liquid tight, equipped with 2" flanged opening, screw plug and gasket and two swedged rolling hoops, manufactured for United States Government to contain high octane gasoline or aviation oil.

(1) Price of United States Government or any agency thereof for all drums, regardless of condition, to wholesaler, or reconditioner, "as is," "where 15" \$0.26.

(2) For the drums new or used, free from rust, leaks, dents and in all respects having serviceability 'equal to that of new drums:

(i) Wholesaler's or reconditioner's price to retailers or industrial users: \$0.70 each delivered by truck within a radius of 50 miles of the plant or warehouse where drums are located; if delivery by truck is made beyond a radius. of 50 miles, actual transportation costs for the additional mileage may be added; or if delivered by rail, \$0.70 each, f. o. b.

location of plant or warehouse where drums are located.

(ii) Price for all sales at retail: \$1.10 each, seller's location.
(3) For drums having serviceability

less than that of new drums:

(i) Wholesaler's or reconditioner's price to retailers or industrial users: \$0.35 each f. o. b. location of plant or warehouse where drums are located.

(ii) Price for all sales at retail: \$0.55 each seller's location.

For the purposes of this order, a drum has serviceability less than that of a new drum when it leaks, is rusted or dented, cannot be closed, requires painting or other reconditioning, or possesses other similar defects.

(c) Discounts. Every seller shall continue to maintain his customary discounts for cash.

(d) Notification. Any person who sells the gasoline or oil drums described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum reselling price, and stating that the retailer is required by this order to attach to each drum before sale a tag or label which plainly states the retail ceiling price.

(e) Tagging. Any person who sells the gasoline or oil drums described in paragraph (b) at retail shall attach to each drum before sale a tag or label which plainly states the retail deiling

price.

(f) Records. Oil resellers making sales of the commodity subject to this order shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, their customary records of all transactions.

(g) Revocation and amendment. This order may be revoked or amended at any time.

Note: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of

This order shall become effective March 29, 1945.

Issued this 28th day of March 1945.

CHESTER BOWLES, Administrator.

[F. R. Doc. 45-4955; Filed, Mar. 28, 1945; 11:46 a. m.]

# [Gen. Order 61]

REGIONAL AND OTHER FIELD OFFICES

AUTHORITY TO FIX COMMUNITY DOLLARS-AND-CENTS CEILING PRICES ON ALL SALES OF USED LUMBER

A statement of the considerations involved in the issuance of this general order has been issued simultaneously herewith and filed with the Division of the Federal Register.

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, it is hereby ordered:

9

1. Authority to fix area dollars-and-cents ceiling prices. (a) Any Regional Administrator of the Office of Price Administration, and any District Director who may be authorized by the appropriate Regional Administrator may, by order, fix area dollars-and-cents ceiling prices for sales of used lumber in any area or locality within his jurisdiction. No person may sell or receive any used lumber at prices higher than the dollars-and-cents ceiling prices fixed by any order issued under this regulation.

Any order issued or action taken in accordance with this regulation shall have the same force and effect as if issued or taken by the Price Administra-

(b) If an order fixes an area dollarsand-cents ceiling price for any category of used lumber, any seller or purchaser of any other category of used lumber, the maximum price for which is not fixed in the order, may apply in writing to the appropriate office for an extension of the order to cover same.

(c) Any Regional Office of the Office of Price Administration, and any District Office which has been or may be authorized by order issued by the appropriate Regional Office to fix area dollars-and-cents ceiling prices, is hereby authorized to modify or revoke such ceiling prices at any time.

- 2. Areas covering more than one district. Where the area covered by a used lumber order encompasses a locality or localities over which more than one District Office has jurisdiction, the order fixing community dollars-and-cents celling prices may be issued by the Regional Office, having jurisdiction over the area, or identical orders may be issued simultaneously by two or more District Offices to which authority has been delegated by the Regional Office.
- 3. General Maximum Price Regulation applicable to areas in which dollars-and-cents ceiling prices are not fixed. The maximum prices fixed in the General Maximum Price Regulation shall continue to govern sales and deliveries of used lumber (a) in areas where dollars-and-cents ceiling prices are not established pursuant to this order; and (b) of categories of used lumber for which prices are not fixed by an area dollars-and-cents order.
- 4. Ceiling prices on sales between areas. If a seller, doing business in one area, makes a sale of used lumber for delivery to a purchaser within another area, the area dollars-and-cents ceiling price order established in the area in which the delivery is made shall govern the maximum prices which may be charged by the seller. If such an order has not been issued in the area where delivery is made, but has been issued in the area in which the shipment originates, the order issued in the originating area shall govern the maximum prices which may be charged by the seller.
- 5. Posting ceiling prices. Every person selling used lumber in an area for which an order fixing collars-and-cents ceiling prices has been issued must obtain from the appropriate Office of Price Administration for such area at least two copies of the applicable dollars-and-cents ceiling prices fixed for used

lumber. At least one copy of each list must be posted at or near each place where used lumber is effered for sale, in such manner that it can be easily read and that purchasers can approach it within a distance of two feet. Additional posting requirements may be fixed in the order setting dollars-and-cents ceiling prices for any area.

6. Sales slips and receipts. Where a sale of used lumber for which the total price is \$5.00 or more is made in an area in which an order fixing area dollarsand-cents ceiling prices has been issued, the seller must, regardless of his previous practice and whether or not requested by the buyer, give to the buyer a sales slip, paid bill, receipt or other written evidence of the sale, specifying the date of the sale, the name and address of the seller, the buyer's name, a description of the item or items sold in terms of the varieties, grades and other specifications affecting the price, as fixed in the area order, the quantity and price of each item sold, and such other information as may be required by the local or-

No additions may be made for delivery or other extras unless expressly permitted by the area order, and any additions must be separately stated in the written evidence of sale.

- 7. Prohibited practices. No person shall evade any provision of any order issued hereunder by conspiracy, scheme or device. Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price, such as devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like, is as much a violation of a community, dollars-and-cents ceiling price order as an outright over-selling price.
- 8. Licensing. The provisions of licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers of used lumber. A seller's license may be suspended for violations of the license or of any orders, price schedules or regulations applicable to a sale or sales made by him.
- 9. Enforcement. On and after the effective uate of this order and of any order issued hereunder, any person who sells or offers to sell used lumber at a price higher than the ceiling price fixed by such orders, or who otherwise violates any provisions of such orders shall be subject to the criminal penalties, suits for treble damage, license suspension proceedings and any other civil enforcement actions provided for by the Emergency Price Control Act of 1942, as amended. Any person who buys at a price higher than the ceiling prices fixed by such orders is also subject to the crimmal penalties and civil enforcement actions provided for by that Act.
- 10. Definitions. (a) Unless the context requires otherwise, the terms used in this order shall have the meaning given them by section 302 of the Emergency Price Control Act of 1942, as amended, and by the General Maximum Price Regulation. For the purposes of this regulation the following particular ex-

pression shall have the meaning herein stated:

stated:
(b) "Used lumber" means lumber and lumber products which have been recovered from, and at one time were a part of a building, structure, or fabricated item made wholly or partially of lumber.

This General Order No. 61 shall become effective April 2, 1945.

Issued this 28th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-4954; Filed, Mar. 23, 1925; 11:45 a. m.]

Regional and District Office Orders.
[Birmingham Order G-1 Under GO 50,
Amdt. 10]

MALT AND CEREAL BEVURAGES IN JEFFERSON COUNTY, ALA.

Amendment No. 10 to Order No. G-1 under General Order No. 50. Max.mum prices for malt and cereal beverages in Jefferson County, Alabama.. Docket No. 412-DG-1G050-10.

Appendix A to Order No. G-1 under General Order No. 50 is amended by adding to the list of beverages under Group 1B under the following respective captions, the following:

Prand er trade	Manufacturer	Maximura price per bottle	
Canta		12- ounce	32- 601100
Spearman's Eng- lish Ale. Top22	Spearman Erewing Co., Penencela, Fia. Koller Brewing Co., Chleago, Ill.	Certs 25 25	Cents 50 E0

And to the list of beverages under Group 2B, under the following respective captions, the following:

Brand or trade	Manufacturer	Maximum price per bottle	
<u> Lanto</u>		12- ounce	22- ounce
Spearman's Eng- lish Ale. Topaz	Spearman Brewing Co., Pensacola, Fla. Koller Brewing Co., Chimgo, Ill.	Cents 20 20	Cent's 45 45

And to the list of beverages under Group 3B, under the following respective captions, the following:

Erand er trade Eama	Manufacturer  Manufacturer  12- 3 ounce ou		rer	
			32- curco	
Speciman's English Ale. Topiaz	Srearman Brewing Co., Pencacola, Fia. Koller Brewing Co., Chicago, III.	Cents 18 13	Cants 40 40	

This amendment shall become effective February 10, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong. E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, G.O. 50, 8 F.R. 4808)

Issued at Birmingham, Alabama, February 6, 1945.

Sam J. Watkins, District Director

[F. R. Doc. 45-4859; Filed, Mar. 27, 1945; 9:53 a. m.]

[Savannah Order G-1 Under GO 50, Amdt. 4] MALT AND CEREAL BEVERAGES IN SAVANNAH, GA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Savannah, Georgia, District Office, Region IV Office of Price Administration, by General Order No. 50, issued by the Administrator of the Office of Price Administration, Region IV Delegation Order No. 17, issued May 5, 1944:

It is hereby ordered, That Appendix A of Amendment 2 to District Order No. G-1 under General Order No. 50 be amended by adding to said appendix the following brand and price for the respective groups of sellers, at retail, of beer, ale or near-beer, as hereinafter set forth:

•	Maximum prices		
Trade name of beer	12-ounce bottle	32-ounce bottle	
Group 1B Esslinger	Cents 20	Cents 50	
Group 2B Esslinger	17	<b>4</b> 5	
Group 8B Esslinger	15	40	

The price as set forth above for the respective groups of sellers shall be the applicable price. All other provisions of said order and amendments thereto remain unchanged and in full force and effect as issued.

This amendment shall become effective January 27, 1945.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, Gen. Order 50, 9 F.R. 4808)

Issued this 27th day of January 1945.

R. E. THORPE,
District Director

[F. R. Doc. 45-4862; Filed, Mar. 27, 1945; 9:52 a. m.]

[Jackson Rev. Order G-1 Under Gen. Order 50]

Malt and Cereal Beverages in Mississippi

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District-Director of the Jackson (Mississippi) District Office of Region IV of the Office of Price Administration by General Order

No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, it is hereby ordered:

Section 1. Purposes of order. Order No. G-1 under General Order 50 issued by the District Director of the Jackson (Mississippi) District Office of the Office of Price Administration on the 5th day of June 1944, was issued for the purpose of establishing specific maximum prices. for malt and cereal beverages, including those commonly known as ale, beer and near-beer, either in containers or on draught when sold or offered for sale at retail by any eating or drinking establishment, either for consumption on the premises or when carried away. Order No. G-1 under General Order No. 50 is redesignated Revised Order No. G-1 under General Order 50, and is revised and amended as herein set forth and issued for the same purpose and for the further purpose of clarifying and strengthening the order.

Sec. 2. Geographical applicability. This order covers all such sellers anywhere in the Mississippi Area, which is defined as being the entire State of Mississippi.

Sec. 3. Ceiling prices. (a) On and after January 29, 1945, if you operate an eating or drinking establishment, you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed in the appendices hereof. You may of course, charge lower prices at any time.

(b) If you sell any beverage subject to this order which is not specifically listed herein, and if you believe that the maximum price specified herein for such beverage is not appropriate to such beverage, you may make application to the Jackson (Mississippi) District Office of the Office of Price Administration requesting that such beverage be specifically included in the appendices hereof. With or without such application, the Jackson (Mississippi) District Office of the Office of Price Administration may, at any time, and from time to time, add new or unlisted beverages, brands, types or sizes together with maximum prices for same to the lists set forth in the appendices hereof.

(c) You may not add any taxes to your ceiling prices set forth in the appendices hereof except those specifically provided therein, as all other taxes were taken into consideration in establishing the ceiling prices for each group of sellers,

SEC. 4. How to figure your ceiling prices.

(a) This order divides eating and drinking establishments into three different groups and gives each group a different ceiling price. The group to which you belong depends on your legal ceiling prices in effect during the base period of April 4-10, 1943. You must figure the group to which you belong on the basis of your correct legal ceiling prices for that period.

(b) The group to which you belong depends on your legal ceiling prices for the beverages subject to this order in effect during the base period of April 4-10, 1943. If your legal ceiling prices for vari-

ous brands and types of beverages subject to this order vary so that your ceiling prices on some brands or types seem to place you in one particular group and ceiling prices on others seem to classify you into a different group, you must classify yourself into the particular group representative of the prices at which the greater number of your sales were made. For the purpose of determining your classification as herein provided, no consideration may be given to sales of beverages listed in appendices other than Appendix A hereof. You must figure the group to which you belong as follows:

(1) Group 1 B. Your establishment belongs to Group 1 B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 1 B establishments.

A hereof for Group 1 B establishments.

(2) Group 2 B. Your establishment belongs to Group 2 B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 2 B establishments, but were less than those provided in Appendix A for Group 1 B establishments.

(3) Group 3 B. Your establishment

(3) Group 3 B. Your establishment belongs to Group 3 B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were less than the prices listed in Appendix A hereof for Group 2 B establishments. All establishments not in operation during the base period of April 4-10, 1943, and all establishments which begin operating after the effective date of this order also belong to Group 3 B.

(c) If your eating or drinking establishment was not in operation during the base period of April 4-10, 1943, but was in operation prior to the effective date of this order, and, if the nearest similar eating or drinking establishment of the same type is one which is properly classified in Group 1 B or Group 2 B, you may, but not later than the first day of March 1945, file an application with the Jackson (Mississippi) District Office of the Office of Price Administration, requesting that your establishment be reclassified into the same group to which its nearest similar eating or drinking establishment of the same type belongs. Until your application is acted upon, and unless your establishment is reclassified, it must retain the classification of a Group 3 B seller, and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the following information:

1. Name and address of the establishment and of its owner or owners.

 A description of the establishment showing its type (such as night club, hotel, restaurant, tavern) and the date it began operating.

3. The selling prices by brand name of all beverages sold since the beginning of its operation.

4. The names of the three nearest eating and drinking establishments of the same type, and their group number as determined under this order.

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- Any other information pertinent to such application or which may be requested by the Office of Price Administration.
- (d) If your eating and drinking establishment begins operation after the effective date of this order, you are classified as a Group 3 seller and may not sell or offer for sale beverages subjectto this order at prices higher than those set forth for Group 3B sellers in the appendices hereof. However, if your nearest eating and drinking establishment of the same type is one which is properly classified as a Group 1B or Group 2B seller, you may, within and not later than 30 days from the time you begin operating, file an application with the Jackson (Mississippi) District Office, requesting that your establishment be reclassified into the same group in which its nearest eating and drinking establishment of the same type belongs. Until your application is acted upon and unless your establishment is reclassified, it must retain the classification of Group 3B and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the same information required by paragraph (c)
- (e) After you have figured your proper group number under this section and have filed the required statement with your War Price and Rationing Board as provided in section 5, you may not change your group classification except as otherwise provided by this order.

Sec. 5. Filing with War Price and Rationing Board, (a) When you have figured your proper group under section 4 above, you must, on or before June 19, 1944, file with your War Price and Rationing Board a signed statement with the name and address of your establishment, its type (such as night club, hotel, restaurant, tavern) and the group to which it belongs. Thereupon the War Price and Rationing Board will send you a card bearing your group number. If you begin operating your establishment after the effective date of this order, you must likewise file said signed statement in this manner as soon as you begin operating.

(b) If you are now in operation and have not filed the signed statement showing the group number to which you belong as provided in paragraph (a) above, you must do so immediately. If you have failed to file said signed statement as herein required, you are hereby classified as a Group 3B seller and you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed for Group 3B sellers in the appendices hereof. Failure to file said signed statement as herein provided is a violation of this order and also subjects you to other penalties herein provided.

Sec. 6. Modification of prices. After you have determined your group and have put into effect the ceiling prices provided in this order for that group, the Office of Price Administration District Director for the District in which your establishment is located may direct you to charge lower ceiling prices:

(a) If, on the basis of your April 4-10, 1943 legal ceiling prices, this order, properly applied, requires you to be placed into a group with lower ceiling prices

(b) If, as a result of speculative, unwarranted, or abnormal increases, contrary to the purpose of the Emergency Price Control Act, as amended, your legal ceiling prices on April 4-10, 1943, were excessive in relation to the legal ceiling prices of other comparable establishments in the District.

Sec. 7. Exempt sales. The following sales are exempt from the operation of this order. However, unless they are otherwise exempt from price control, they shall remain subject to the appropriate maximum price regulation or order:

(a) Sales by persons on board common carriers (when operated as such), including railroad dining cars, club cars, bar cars, and buffet cars, or sales otherwise governed by Restaurant Maximum Price Regulation 1 (Dining Car Regulation)

(b) Sales by public and private hospitals insofar as they serve to patients.

(c) Sales by eating cooperatives formed by members of the Armed Forces (as, for example, officers' mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual) which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to members of the Armed Forces who are members of the cooperative.

(d) Sales where the beverages subject to this order are included in, and sold as part of, a meal and where the price of such beverage is included in the price of the meal. (Such sales remain under Restaurant Maximum Price Regulation 2.)

(e) Sales by the War Department or the Department of Navy of the United States through such Departments' sales stores, including commissaries, ships' stores ashore, and by stores operated as army canteens, post exchanges, or ships' activities.

(f) Bona fide private clubs insofar as such clubs sell only to members or bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking establishment and subject to this order. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless such club-is a nonprofit organization and is recognized as such by the Bureau of Internal Revenue and unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and unless it is otherwise opérated as a private club.

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No club organized after the effective date of this order shall be exempt unless and until it has filed a request for exemption with the District Office of the Office of Price Administration of the area in which it is located, furnishing

such information as may be required, and has received a communication from such office authorizing exemption as a private club.

Sec. 8. Evasion. If you are an operator of an eating or drinking establishment, you must not evade the ceiling prices 'established by this order by any type of scheme or device; among other things (this is not an attempt to list all evasive practices) you must not:

(a) Institute any cover, minimum bread and butter, service, corkage, entertainment, checkroom, parking or other special charges which you did not have in effect on any corresponding day during the seven-day period from April 4-10, 1943, or

(b) Increase any cover, minimum, bread and butter, service, corkage, entertainment, checkroom, parking or other special charges which you did have in effect on any corresponding day during the seven-day period from April 4-10, 1943, or

(c) Require as a condition of sale of a beverage the purchase of other items or meals, except that during the hours from 11:30 a. m. to 1:30 p. m. and the hours from 6:00 p. m. to 8:00 p. m., any eating or drinking establishment which derives not less than 70% of its gross revenue from the sales of prepared food items (not including beverage items) sold for consumption on the premises may refuse to sell beverages subject to this order for consumption on the premises during those hours to persons who do not also purchase food items.

SEC. 9. Records and menus. If you are an operator of an eating or orinking establishment subject to this order, you must observe the requirements of General Order 50, as well as Restaurant Maximum Price Regulation No. 2, either as revised and amended or as may be revised and amended, with reference to the filling and keeping of menus and the preservation and keeping of customary and future records. Among other provisions of General Order 50 are the following:

(a) Preserve all existing records relating to prices, cost and sales of food items, meals, and beverages;

(b) Continue to prepare and maintain such records as have been ordinarily kept;

(c) Keep for examination by the Office of Price Administration two copies of each menu used by the establishment each day, or a daily record in duplicate of the prices charged for food items, beverages, and meals. If the establishment has customarily used menus, it must continue to do so.

Sec. 10. Posting of prices. If you are an operator of an eating or drinking establishment, you must post and keep posted the ceiling prices of the beverages subject to this order sold by your establishment, either by

"(a) Supplying the customers menus or bills of fare showing the beverages subject to this order which are sold by the establishment; and showing the brand name, quantity, and ceiling price of each kind and type of bottled beverage, and the quantity and ceiling price of all bev- the provisions of Revised Maximum Price erages sold on draught, or

(b) Posting a sign giving the same information as required on menus or bills of fare by paragraph (a) above. Such a sign must be posted in the establishment at a place where it can easily be read by the customers. If you prefer, you may use a similar sign furnished by the Office of Price Administration.

(c) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3 B sellers in the appendices hereof during such time as such establishment is not in compliance with this section.

SEC. 11. Posting of group number (a) If you operate an eating or drinking establishment selling at retail beverages subject to this order, you must post, and keep posted, in the premises a card or cards clearly visible to all purchasers showing the group number of your establishment as classified under this order. The card must read "OPA 1 B," or "OPA 2 B," or "OPA 3 B," whichever is applicable. You may use the eard or cards furnished you for this purpose by the War Price and Rationing Board.

(b) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3 sellers in the appendices hereof during such time as such establishment is not in compliance with

this section.

SEC. 12. Receipts and sales slips: Regardless of whether or not receipts have customarily been issued, upon request by any customer at the time of payment, a receipt containing a full description of the beverage sold and the price of same must be issued. Such receipts must show the date of issue and bear the signature of the person issuing same. If you have customarily issued receipts or sales slips, you may not now discontinue the practice.

SEC. 13. Operation of several places. If you own or operate more than one place selling beverages subject to this order, you must do everything required by this regulation for each place sepa-

Sec. 14. Enforcement. If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspensions of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

Sec. 15. Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. If you are a seller subject. to this order, your license may be suspended for violation of the license or of the order. If your license is suspended, you may not, during the period of suspension, make any sale for which your license has been suspended.

Sec. 16. Relation to other maximum price regulations. This order supersedes Regulation No. 259 and the General Maximum Price Regulation insofar as such provisions were applicable to sales at retail by eating and drinking establishments of beverages subject to this order. Sales of beverages subject to this order, when sold as part of a meal and when the price of same is included in the price of a meal, remain subject to the provisions of Restaurant Maximum Price Regulation 2.

SEC. 17. Definitions. (a) "Malt beverage" is any malt beverage produced either within or without the Continental United States, and includes those commonly designated as beer, lager beer, ale, porter and stout.

(b) "Cereal beverage" is any beverage produced from cereals either within or without the Continental United States and commonly known as "near-beer"

(c) "On draught" means dispensed by a seller at retail from any container of

% barrel or larger size.
(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Sales at retail" or selling at "retail" means a sale or selling to an ultimate consumer other than an industrial

or commercial user.

(f) "Eating or drinking establishment" shall include any place, establishment or location, whether temporary or permanent, in which any prepared food item or meal, or any beverage is sold for immediate consumption on the premises or to-be carried away without substantial change in form or substance. However, grocery and other stores that do not sell food items or meals, or beverage for immediate consumption on the premises are specifically excluded from this defi-

(g) "Other definitions." Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation, shall apply to the other terms used herein.

SEC. 18. Transfers of business or stock in trade. If the business assets, or stock in trade of any establishment are hereafter sold or otherwise transferred, or have been sold or transferred subsequent to April 10, 1943, and the transferee carries on the business or continues to sell malt beverages covered by this order in the same location, the maximum prices of the transferee shall be the same as those to which its-transferor would have been subject if no such transfer had taken place, and its obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record-keeping requirements of this order. If there is a lapse of business operations in connection with such a transfer for a period of sixty days. selling prices shall be determined as provided in section 4 for a new seller.

Sec. 19. Changes in location. If any establishment is hereinafter moved to a new location, the establishment shall be considered a new seller under this order and shall determine its ceiling prices under the provisions of section 4.

Sec. 20. Petitions for amendment. Any person dissatisfied with any of the provisions of this order may request the Office of Price Administration to amend the order. Such petition for amendment must be filed in pursuance of the provisions of Revised Procedural Regulation No. 1, except that the petition for amendment shall be directed to, filed with, and acted upon by the District Director of the Jackson (Mississippi) District Office.

SEC. 21. Revocation and amendment. This order may be revoked, amended, or corrected at any time.

SEC. 22. Effective date. This order shall become effective January 29, 1945.

Note: The reporting and record keeping requirements of this order have been approved by the Bureau of the Budget and in accordance with the Federal Reports Act of

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, G.O. 50, 8 F.R. 4808)

Issued at Jackson, Mississippi, this 18th day of January 1945.

> William E. Holcomb, District Director

APPENDIX'A BOTTLED BEERS AND ALES GROUP 1B

Commodity and brand or	Maximum prico per bottlo		
trade name	12-ounce	32-ounco	
Beer: Barbarosa. Bay Stato. Budweiser. Canadian Ace. Down's Art & Art. Dorquest Embassy Club. God Coast. Gold Med. Pabst Bluc Ribbon. Peter Hand Extra Palo. Pioneer Victory. Ritz. Schlitz. Van Wyck. Ziegler's 520. Down's Special Lager Cents (7-ounce bottle only). 18 Ale:	Cents 25 25 25 25 25 25 25 25 25 25 25 25 25	Cents 51 51 51 51 51 51 51 51 51 51 51 51	
Ballantine	25 25	51 51	
Imported beer: Carta Blanca. Cerveza Victoria Cents (686-ounce bottlo). All other brands of domestic or imported beer and ale not listed above and not listed in Appendix "B" hereof, including unlabeled beer and ale. Draught beer and ale: Cents 8-ounce glass. 9 10-ounce glass. 112-ounce glass. 13 14-ounce glass. 16 16-ounce glass. 17	35 20	40	
To Antico Pressure and a state of the state	*	<u> </u>	

and State taxes are included

Sellors who are required to pay a Federal Sellors who are required to pay a Federal Exciso Tax on cabarots may add same to above price if such tax is separately stated and collected All sellers may add to above price the Mississippl Sales Tax if separately price the Mississippl Sales Tax if separately is fathed and collected Only the exact amount of the tax may be added To illustrate only is mills (or tokens) may be added to a maximum price of 25¢; one cent or 10 mills (tokens) may be added to the listed maximum price of 51¢

All sellers who are required to and pray the Mississippl 'black market' tax of 10% levied on commodities the sales of which are prohibited by law, as provided by House Bill No 892, enacted by the regular 1944 session thereof may add same to the maximal or the maximum price of mississippl at the regular 1944 session thereof may add same to the maximal or the maximum price of mississippl at the regular 1944 session thereof may add same to the maximal or the maximum or the maxi

mum price listed above, if separately collected

BOTTED BEERS AND AIES

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ximum prico per bottle	32-onnee	Cents
Maximum per bott	12-ounce	្នុកឥតតតតតតតតតតតតត
Commodity and brand or	trate namo	Boer: Barbarez Barbarez Barbarez Bay State Budwelcer Budwelcer Bown'o Art & Art Bown'o Art & Art Borbuct Bind Files be Gold Metal Tiveil Gold Metal Tiveil Gold Metal Tiveil Bouth Bind Hibbon Beter Bind First Pale Ballantine Connec bottle only Bown's Special Laser Certean Victoria Certean Wille Cap Imperted beer Certean Metal Bisted Boy's and and Bisted Boy's and Boy's and all Bisted Boy's and Boy's and Bisted Boy's and Boy's

an above prices except:
Sellers who are required to pay a Federal
Sellers who are required to pay a Federal
Excles Tax on cabarets may add same to
above price if such tax is separately stated Federal and State taxes are included

price the Mississippi Sales Tax if separately stated and collected. Only the exact amount of the tax may be added. To lilustrate only may be added to a maximum listed price of 26¢; one cent or 10 milis (tokens) may be added to the listed maximum price of 50¢.

All sollors who are required to and pay the Mississippi "black market tax of 10% in 100 milis of 10% of 1

BOTTIED BEERS AND ALES

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Burger Brau... Birks Trophy... Black Hawk Topping Capital.... 99 ਬ 12-ounce 32-ounce Maximum price per bottle Š ្តុតតតតតតតតតតតតតត ទី 23 ន 47 Ale Tolling State of the Tolling of Cals STEE Qnls 13 Commodity and brand or trade name Von Wyek Ziente 8 620. Down's Special Larer (7-ounce bottle only)... Oxford
Pabet Blue Ribbon
Peter Hand Extra Pale
I inneer Victory Judwelzer Janadlan Ace Down's Arf & Arf nest Coast Nedal Tivoli 10-ounce plass 12-ounce plass 14-ounce plass 16-ounce plass

Brewery) Helnie's Keller's Topaz All Federal and State taxes are included in

above prices

Excles Tax on anharets may add same to above price if such tax is separately stated and collected. All sollers may add to above price the Mississippi Sales Tax, it separately stated and collected. Only the sxade amount of the tax may be added. To illustrate, only be find the tax may be added. To illustrate only be mills (or tokens) may be added to a maximum listed price of 25%; one cent or 10 mills.

All Federal and State taxes are included

parties it such tax is separately stated and collected. All sellois may add to above price the Mississippi Sales Tax if separately stated and collected. Only the exact amount of the tax may be added To illustrate only 5 mills (or tokens) may be added to a maximum listed price of 25¢; one cent or 10 mills (tokens) may be added to the listed maximum price of 51¢.

All sellers who are required to, and pay the Mississippi black market, tax of 10% lovled on commodities the sales of which are problem on commodities the sales of which are problem on commodities the sales of which are problem of Mississippi at the regular 1944 session thereof, may add same to the maximum price illisted above if separately stated and colthe above prices except: Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above tokens) may be added to the listed maximum piles of 51¢ and required to and pay the Mississippl 'black market' tax of 10% levied on commodities the sales of which are prohibited by law as provided by House Bill No. 892, enacted by the Legislature of the State of Mississippl at the requiar 1944 session thereof may add same to the maximum price liked above, if separately stated and collected

APPENDIX B

Note: This Appendix B face maximum prices for all groups of solices on certain so called "infermediate priced" beers and ales. A solice may not establish his group on the basis of the prices given in Appendix B but must determine his group on the basis of prices given for the other brands covered by Appendix A

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register March 22 1945 Montpeller Order 1-0 Amendment 1. covering eggs in the Montpeller Area filed 3:41 p m LIST OF COMMUNITY CEILING PRICE ORDERS REGION I 

[F R Doc 45-4867; Filed, Mar 27, 1945; 9:54 a m]

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Size of bottle

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ler's Topaz

Maximum prices for groups

RECEION II

certain food items in certain areas in New Jorosy, Alied 3:44 p. m. Gamden Order 18, Amendment 3 covering dry groceries in the Camden Area, Alied 3:44

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Camden Order 10, Amendment 3, covering dry greceries in the Camden Area, filed 3:43 ٤ c, ۵.

m Camden Order 3-F, Amendment 22, cover-

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ing fresh fruits and vegetables in certain counties in New Jorsey, filed 3:44 p. m. Camden Order 4-F. Amendment £2 covering fresh fruits and vegetables in certain counties in New Jorsey filed 3:44 p. m. Camden Order W-4 Amendment 2 covering dry groceries in certain counties in New Jersey filed 3:43 p m

Newark Order 1-0 covering eggs in certain areas in the State of New Jorsey, filed 3:42 Newark Order 3-O, covering eggs in certain areas in the State of New Jersey, filed m Newark Order

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3:42 p m.
Philadelphia Ordol 6-F, Amendment 17
covering fresh fluits and vegetables in Philadelphia Pennsylvania, filed 3:43 p, m
Philadelphia Order 7-F, Amendment 18

govering fresh fruits and vegetables in our-tain counties in Pennsylvania, filed 3:43 p m

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Philadelphia Order 8-F, Amendment 17, covering fresh fruits and vegetables in certain countles in Pennsylvania, filed 3:43 p.m.

Scranton Order 16, Amendment 3, covering eggs in certain counties in the State of Pennsylvania, filed 3:41 p. m.

Scranton Order 17, Amendment 3, covering poultry in certain counties in the State of Pennsylvania, filed 3:41 p. m.

#### REGION III

Cincinnati Order 1-P Amendment 6, covering fresh fish and seafood in certain counties in Ohio, filed 3:45 p. m.

ties in Ohio, filed 3:45 p. m.
Cincinnati Order 4-F, Amendment 9, covering fresh fruits and vegetables in Hamilton County, Ohio, filed 3:44 p. m.

Cincinnati Order 5-F, Amendment 9, covering fresh fruits and vegetables in certain counties in the State of Ohio, filed 3:45 p.m. Cincinnati Order 6-F, Amendment 2, cov-

ering fresh fruits and vegetables in certain.
counties in the State of Ohio, filed 3:45 p. m.

Cleveland Order F-3, Amendment 30, covering fresh fruits and vegetables in certain counties in the State of Ohio, filed 3:41 p. m. Cleveland Order F-4, Amendment 30, covering fresh fruits and vegetables in certain

counties in the State of Ohio, filed 3:40 p.m.
Detroit Order 2-W, Amendment 1, covering community food prices in the Detroit
Area, filed 3:28 p.m.

Detroit Order 5-F Amendment 4, covering fresh fruits and vegetables in certain counties in Ohio, filed 3:28 p. m. Encanaba Order 21F-3B, Amendment 4,

Encanaba Order 21F-3B, Amendment 4, covering fresh fruits and vegetables in certain counties in Michigan and Wisconsin, filed 3:29 p. m.

Indianapolis Order 14-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Indiana, filed 3:37 p.m.

Indianapolis Order 15-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Indiana, filed 3:37 p.m.

Indianapolis Order 16-F Amendment 7, covering fresh fruits and vegetables in certain counties in Indiana, filed 3:36 p. m.

Indianapolis Order 17-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Indiana Filed 3:36 p. m.

tain counties in Indiana. Filed 3:36 p. m. Indianapolis Order 18-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Indiana, filed 3:35 p. m.

tain counties in Indiana, filed 3:35 p. m. Indianapolis Order 19-F, Amendment 4, covering fresh fruits and vegetables in certain counties in Indiana, filed 3:35 p. m.

Lexington Order 1-F, Amendment 72, covering fresh fruits and vegetables in Fayette

County, Kentucky, filed 3:35 p. m.
Lexington Order 3-F, Amendment 63, covering fresh fruits and vegetables in Boyd County, Kentucky, filed 3:35 p. m.

Lexington Order 4-F, Amendment 10, covering fresh fruits and vegetables in certain counties in Kentucky, filed 3:34 p. m.

Louisville Order 12-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Kentucky and Indiana, filed 3:29 p.m.

Louisville Order 13-F Amendment 9, covering fresh fruits and vegetables in certain countles in Kentucky, filed 3:29 p.m.

Louisville Order 14-F, Amendment 9, covering fresh fruits and vegetables in certain countles in Kentucky, filed 3:29 p.m.

#### REGION IV

Atlanta Order 24-C, Amendment 2, covering food items for poultry in the Atlanta Area filed 3:40 p.m.

Area, filed 3:40 p. m.
Atlanta Order 25-C, Amendment 2, covering poultry in the Atlanta Area, filed 3:40

Columbia Order 5-F Amendment 12, covering poultry in certain counties in South Carolina, filed 3:40 p.m.

Columbia Order 6-F, Amendment 4, covering poultry in certain counties in the State of South Carolina, filed 3:39 p. m.

Jackson Order 4-F, Amendment 21, covering fresh fruits and vegetables in certain counties in Mississippi, filed 3:39 p.m.

counties in Mississippi, filed 3:39 p. m.
Jackson Order 5-F, Amendment 5, covering fresh fruits and vegetables in certain counties in Mississippi, filed 3:39 p. m.

Memphis Order 22, Amendment 7, covering poultry in the Memphis Area, filed 3:40 p. m. Miami Order 1-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Florida, filed 3:37 p. m.

Miami Order 3-F Amendment 1, covering fresh fruits and vegetables in certain counties in Florida, filed 3:39 p. m.

Miami Order 4-F, Amendment 1, covering fresh fruits and vegetables in certain counties in Florida, filed 3:37 p. m.

#### REGION VIII

Portland Order 1-W, covering community food prices in the State of Oregon, filed 3:30 p. m.

Portland Order 1-W, Amendment 1, covering dry groceries in certain counties in Wash-ington and Oregon filed 3:31 n.m.

ington and Oregon, filed 3:31 p. m.
Portland Order 2-B, covering food items in certain areas in Washington and Oregon, filed 3:30-p. m.

Portland Order 2-P, Amendment 6, covering fresh fish and seafood in certain areas in Oregon and Washington, filed 3:30 p.m.

Portland Order 20, Amendment 5, covering dry groceries in certain areas in Washington and Oregon, filed 3:33 p.m.

Portland Order 20, Amendment 6, covering dry groceries in certain areas in Washington and Oregon, filed 3:32 p. m.

Portland Order 27, Amendment 1, covering dry groceries in certain areas in Washington and Oregon, filed 3:32 p. m.

Portland Order 27, Amendment 2, covering dr groceries in certain areas in Washington and Oregon, filed 3:32 p. m.

Portland Order 27, Amendment 3, covering dry groceries in certain areas in Washington and Oregon, filed 3:32 p.m.
Portland Order 28, Amendment 2, covering

Portland Order 28, Amendment 2, covering dry groceries in certain areas in Washington and Oregon, filed 3:32 p. m.

Portland Order 28, Amendment 3, covering dry groceries in certain areas in Washington and Oregon, filed 3:31 p.m.

Portland Order 29, Amendment 2, covering dry groceries in certain areas in Washington and Oregon, filed 3:31 p.m.

Portland Order 30, Amendment 3, covering dry groceries in certain areas in Washington and Oregon, filed 3:31 p.m.

San Diego Order 2-F, Amendment 16, covering fresh fruits and vegetables in the San Diego Area, filed 3:30 p.m.
San Diego Order 3-F, Amendment 13, cov-

San Diego Order 3-F, Amendment 13, covering fresh fruits and vegetables in the San Diego Area, filed 3:29 p.m.
San Francisco Order F-7, Amendment 2,

San Francisco Order F-7, Amendment 2, covering fresh fruits and vegetables in certain cities in California, filed 3:34 p.m.
San Francisco Order F-8, Amendment 2,

San Francisco Order F-8, Amendment 2, covering fresh fruits and vegetables in certain tities in California, filed 3:34 p. m.

San Francisco Order F-9, Amendment 2, covering fresh fruits and vegetables in certain cities in California, filed 3:33 p. m.

San Francisco Order F-10, Amendment 2, covering fresh fruits and vegetables in certain cities in California, filed 3:33 p.m.

San Francisco Order F-11, Amendment 2, covering fresh fruits and vegetables in certain cities in California, filed 3:33 p.m.

San Francisco Order F-12, Amendment 2, covering fresh fruits and vegetables in certain cities in California, filed 3:33 p.m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

[F. R. Doc. 45-4881; Filed, Mar. 27, 1945; 11:53 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File Nos. 54-87, 59-7]

FEDERAL LIGHT & TRACTION CO., ET AL.

NOTICE OF FILING OF APPLICATION FOR EX-TENSION OF TIME AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of March, A. D., 1945.

In the matter of Federal Light & Traction Company and its subsidiary companies, File No. 54-87; Cities Service Power & Light Company and its subsidiary companies, File No. 59-7.

The Commission having entered its order on March 30, 1944, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directing Federal Light & Traction Company to sever its relationships with The Tucson Gas, Electric Light and Power Company and with Tucson Rapid Transit Company and to dispose of any interest, direct or indirect, in the properties of Stonewall Electric Company adjacent to the properties of The Tucson Gas, Electric Light and Power Company and providing that Federal might within the time fixed for compliance with said order by the Act, elect to retain its interest in said properties, in which event, however, it should dispose of its other interests except those in Deming Ice and Electric Company (said order reserved jurisdiction as to the retainability with The Tucson Gas. Electric Light and Power Company of Deming Ice and Electric Company and Tucson Rapid Transit Company)

Notice is hereby given that Federal Light & Traction Company has filed an application pursuant to section 11 (c) of the Public Utility Holding Company Act, requesting that the time for compliance with the order of the Commission, dated March 30, 1944, be extended for an additional year and requesting further that the right of election of Federal Light & Traction Company mentioned in said order be likewise continued.

All interested persons are referred to the application which is on file in the offices of the Commission for full details.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held to consider said application:

It is ordered, That a hearing on the application under the applicable provisions of the Act and the Rules of the Commission thereunder be held on the 5th day of April 1945, at 11:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa., in such room as may be designated on that day by the hearing room clerk in Room 318.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by said application particular attention will be directed at said hearing to the following matters:

1. Whether Federal Light & Traction Company has exercised due diligence in its efforts to comply with the Commission's order of March 30, 1944.

2. Whether an extension of an additional year for compliance with said order of March 30, 1944 is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before April 3, 1945 his application therefor as provided in Rule EVII of the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of this order by mailing a copy thereof by registered mail to Federal Light & Traction Company and that notice shall be given to all other persons by publication thereof in the Federal Register.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 45-4912; Filed, Mar. 27, 1945; 2:49 p. m.]

[File No. 70-1049]

PACIFIC GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of March 1945.

Pacific Gas and Electric Company, a public utility subsidiary of The North American Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said act of the issue and sale of \$80,000,000 principal amount of its First and Refunding Mortgage Eonds, Series M, 3%, due December 1, 1979, to be sold in accordance with Rule U-50 promulgated under said act; and

The Commission by its memorandum opinion and order of March 20, 1945, having granted said application, as amended, subject to the condition that the proposed issue and sale of said bonds not be consummated until the results of the competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order entered in the light of the record so completed, and having reserved jurisdiction over the price to be paid to the company for such bonds and the underwriters' spread and its allocation; and

Pacific Gas and Electric Company having filed a further amendment to its application, setting forth the action taken to comply with Rule U-50, and showing that, pursuant to the invitation for competitive bids, two bids on said bonds by two groups of underwriters headed by Blyth & Co., Inc. and Halsey,

Stuart & Co., Inc., respectively, were received as follows:

Underwriting groups	Price to company t (percent of principal amount)	Annual east to company
Blyth & Co. Inc	-107 KB -107 KB -107 KB	Parent 2.63 2.72

1 Plus accrued interest.

Said amendment having further stated that Pacific Gas and Electric Company has accepted the bid of Blyth & Co., Inc. for the bonds, as set out above, and that the bonds will be offered for sale to the public at a price of 107.625% of the principal amount thereof-plus accrued interest from December 1, 1944, resulting in an underwriters' spread of 0.746% of the principal amount of said bonds; and

A further hearing to consider said matters having been held, and the Commission having examined said amendment and considered the record herein, and finding no basis for imposing terms and conditions with respect to the price to be pend to the company for said bonds, the underwriters' spread and its allocation;

It is ordered, That, subject to the terms and conditions contained in Rule U-24, said application, as emended, he and the same hereby is granted.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R: Doc. 45-4913; Filed, Mar. 27, 1945; 2:49 p. m.]

#### WAR PRODUCTION BOARD.

[C-285]

ROMUALD STOLNICKI AND PAULINE STOLNICKI

#### CONSENT ORDER

Romuald Stolnicki and Pauline Stolnicki, his wife, of 8109 Hendrie Street, Detroit, Michigan, are charged by the War Production Board with having done construction on November 18, 1944, of a store at 16810 Joy Road, Datroit, Michigan, without permission of the War Production Board, in violation of Conservation Order L-41. Romuald Stolnicki and Pauline Stolnicki admit the violation as charged, do not desire to contest the charge, and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Romueld Stolnicki and Pauline Stolnicki, the Regional Compliance Chief, and the Regional Attorney, and upon the approval of the Compliance Commissioner, It is hereby ordered. That:

- (a) Romuald Stolnicki and Pauline Stolnicki shall do no construction on the premises at 16810 Joy Road, Detroit, Michigan, including putting up, altering or finishing the structure, unless hereafter specifically authorized in writing by the War Production Board.
- (b) Nothing contained in this order shall be deemed to relieve Romuald Stol-

nicli and Pauline Stolnick: from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to Romuald Stolnicki and Pauline Stolnicki, their successors and assigns, or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 27th-day of March 1945.

War Peoduction Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 45-4933; Filed, Mar. 27, 1945; 5:05 p. m.]

[C-2E8]

JOSEPH PORELIBA

CONSENT CRDER

Joseph Poremba, 4460 West Jafferson Avenue, Ecorse, Michigan, is charged by the War Production Board with having done construction, during the period June to December, 1944, of two restaurants—at 4450 West Jefferson Avenue, Ecorse, Michigan, and 4530 West Jefferson Avenue, Ecorse, Michigan, without permission of the War Production Board and in violation of War Production Board Conservation Order L-41. Joseph Poremba admits the violations as charged, does not desire to contest the charge, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Joseph Poremba, the Regional Compliance Chief, and the Regional Attorney, and upon the approval of the Compliance Commissioner, It is hereby ordered, That:

(a) Joseph Poremba shall do no construction on the premises at 4460 West Jefferson Avenue, Ecorse, Michigan, and 4530 West Jefferson Avenue, Ecorse, Michigan, including putting up, alterng or finishing these structures, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Joseph Poremba from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) The restrictions and prohibitions contained herein shall apply to Joseph Poremba, his successors and assigns, or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 27th day of March 1945.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 45-4934; Filed, Mar. 27, 1945; 5:06 p. m.]

[C-291]
B. W KERR
CONSENT ORDER

B. W Kerr of Ft. Lauderdale, Florida, on or about May 15, 1944 began and thereafter carried on the construction of a two-story building, consisting of a work shop and three garages on the ground floor, and living quarters on the second, on his property off S. W 15th Avenue and Davie Boulevard on New River, Ft. Lauderdale, Florida, without authorization from the War Production Board. The cost of this construction up to the time it was discontinued was approximately \$6,000.00 and hence exceeded the limit of \$200.00 permitted by Conserva-

tion Order L-41 and was in violation of that order. B. W. Kerr admits the violation and does not care to contest the same, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of B. W. Kerr, the Regional Compliance Chief and Regional Attorney, and upon the approval of the Compliance Commissioner, It is hereby ordered, That:

(a) B. W Kerr, his agents, associates or contractors, shall not do any further construction work on said building on New River, Ft. Lauderdale, Florida, as more fully described above, nor cause the same to be done until and unless here-

after specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve B. W. Kerr, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of March 1945.

WAR PRODUCTION BOARD, By J. Joseph Whelan, Recording Secretary.

F. R. Doc. 45-4935; Filed, Mar. 27, 1943; 5:06 p. m.]